THE

BOOK OF PENALTIES:

OR,

SUMMARY OF THE PECUNIARY PENALTIES

INFLICTED BY THE

LAWS OF ENGLAND,

ON THE

COMMERCIAL, MANUFACTURING, TRADING, AND PROFESSIONAL CLASSES,

IN THEIR SEVERAL

OCCUPATIONS AND BUSINESSES.

WITH AN ABSTRACT OF THE

LOCAL ACTS AND CUSTOMS OF LONDON

RELATIVE TO COMMERCE, TRADE, AND RESIDENCE.

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PREFACE.

The penalties imposed for the protection of the public revenue, for the purposes of police, and for the security of individual transactions, are extremely numerous, and not unfrequently ruinous in operation. Hardly a pursuit of civil life, whether of pleasure or profit, can be entered upon without being liable to penal visitation. We cannot travel on the highway, swing a gate, read a newspaper, buy a pair of stockings, receive or pay money, take medicine, nor even engage in religious worship, without being obnoxious to some overt or latent enactment scattered through the wide waste of the *Statutes at Large*.

Our object has been to comprise in one brief and lucid arrangement the whole of the pecuniary pe-

nalties inflicted by the laws of England, and to which the several classes of society, either as importers, merchants, shipowners, bankers, manufacturers, dealers, shopkeepers, victuallers, coach proprietors, housekeepers, &c., are liable. The design is a comprehensive one, and not without novelty in its purpose.

The chief points we have sought to attain have been, *first*, to render our work convenient for reference by alphabetical arrangement, and a distinct classification of the several trades, occupations, and professions.

Secondly, in each case we have endeavoured to describe shortly, but clearly, the offence committed, and amount of penalty incurred.

Thirdly, we have carefully specified the section and act of parliament under which each penalty is inflicted. This appeared a point of importance, not only for the purpose of verification, but also for the convenience of professional men and others who might, in particular cases, desire to refer to the original sources for more amplified descriptions than our limits would permit.

The many and important changes in the laws

have rendered it a task of difficulty to separate the *living* from the *dead* parts of the Statute Book; but all the alterations made up to the period of publication have been scrupulously attended to, and we believe that few penalties have been omitted that are in force, or repealed ones inserted.

At the end of the work, and subordinate to the mass of penalties inflicted by the public general statutes of the realm, is subjoined a Digest of the Local Acts of the Metropolis, with an Appendix of the Customs and Privileges of the City of London, chiefly bearing on matters of trade, commerce, and inhabitancy. This appeared no deviation from the main purpose of the undertaking, since whatever relates to the capital is more or less connected with the interests and pursuits of the general population of the empire.

In the enactment of a new law, the Legislator only imperfectly executes the task imposed upon him unless he also provide for its impartial administration. A law laxly executed, observed by some and evaded by others, becomes at once an instrument of oppression, or unmerited advantage; oppressive to the conscientious, upon whom it imposes restraint and forfeiture; and advantageous to the less scrupulous who escape the restrictions to

which their neighbours are subjected. Hence it is a question whether the policy is defensible which leaves the enforcement of so large a portion of our penal statutes to the discretion of an irresponsible agency. The persons chiefly occupied in this branch of executive jurisprudence are mostly needy pettifoggers, with no recognised authority, and who pursue their vocation not for justice, but for gain. With them it is matter of indifference whether they receive a penalty for the infraction of a law or an equivalent bribe for connivance at its provisions; their purpose not being to give impartial efficiency to the laws, but to fill their pockets. It follows their office is often a nuisance, not one of public utility; an instrument of individual extortion, caprice, and tyranny.

In the metropolis we have an example of this sort of annoyance and injustice; a number of persons and places being kept under regular contribution by common informers who make periodical rounds for the collection of *hush money*. The payment of this illicit tribute is called "keeping them *sweet*." But it is obvious such a system defeats the purpose of legislation, and whether a law is a living or dead letter—a partial or general enactment—depends on the behest of such irresponsible instruments as Byers and Company!

Whether, however, a more creditable agency or not should be employed to enforce penal statutes, we flatter ourselves we have lessened the evils of their existence and the harvest of spoil to informers. By the aid of our Manual individuals may readily inform themselves of the snares with which they are environed, consequently it will be partly their own fault if they continue obnoxious to the selfish or vindictive persecutor.

There is only one more observation that we are desirous of making on the curious department of jurisprudence which we have for the first time, in a collective form, brought before the public. That refers to the oppressive operation of the Excise Laws. For examples of this we only need refer to the chapters on Distilleries, Soapmakers, Glass, Paper, and Tobacco Manufacturers. It is really inconceivable how these and other branches of trade and manufacture have been successfully carried on, exposed as they have been to the cross-fire of the numerous obscure and vexatious statutes that have accumulated during the reigns of Anne, the Williams, and the Georges. It is a subject that loudly calls for the interference of the Reformed Parliament. If the demands of the public exchequer continue so imperative that the precautions in force are indispensable to meet them,

and no less objectionable mode of raising the supplies remains, at least the laws might be improved so as to be less embarrassing to the pursuits of useful industry.

J. W——E.

April, 1834.

PRELIMINARY EXPLANATIONS.

Generally no action or proceeding for the recovery of any penalty or forfeiture under the Stamp Laws, can be instituted against any person, unless the same be commenced and prosecuted in the name of the attorney-general in England, or lord advocate in Scotland, or in the name of the solicitor or other officer of the stamp duties. There are exceptions to this under particular statutes; as in certain prosecutions for penalties incurred under the acts for regulating stage-coaches, and the post-horse duties, 44 Geo. 3, c. 98, s. 10; 2 & 3 Wm. 4, c. 120, s. 102—104.

All proceedings for the recovery of penalties, under the laws relating to the Customs and Excise, are regularly instituted and conducted by the proper officers, under the direction and control of the commissioners, who supply their own forms of informations, summonses, convictions, and warrants, for which they are of course responsible, and will not permit an information to be laid, or a conviction to be drawn out except in their own forms. 2 *Burn's Justice*, Marriott's edition, 411.

Costs are an important consideration in prosecutions for penalties. Penal statutes must be construed strictly. Therefore in an action for a penalty, a plaintiff is not entitled to any costs, unless they are expressly given to him by the statute.

Statutes against *frauds*, being of a remedial nature, may be construed liberally. 1 *Chitty's Bl.* 82.

On a complaint before a justice, and conviction upon a penal statute, if the penalty amounts to 5*l.* or upwards, the costs shall be deducted out of the penalty. 18 Geo. 3, c. 19.

An act inflicting a penalty for a *second* offence, must always be understood after conviction and judgment for the *first* offence. 2 *Inst.* 468.

Where a statute directs a penalty to be recovered in *any court of record*, it must be understood only of the courts of record at Westminster, and not of the *quarter sessions*, unless specially named in such statute. 6 *Rep.* 19, 20.

Under the excise laws different terms of notice are required from manufacturers and tradespeople, according as they live *within* or *without* the bills of mortality; for an explanation of the limits of the bills of mortality, see note, page 492.

The only *abbreviations* used, which it seems necessary to explain, are H. M. for His Majesty; G. B. for Great Britain, and U. K. for the United Kingdom of Great Britain and Ireland.

CONTENTS.

CHAPTER I.

Adulterations and Frauds.

CHAPTER II.

Alehouses, Beer houses, and Hotels.

CHAPTER III.

Assessed Taxes.

CHAPTER IV.

CHAPTER V.

Auctioneers and Appraisers.

CHAPTER VI.

Bankers, Bills, and Notes.

CHAPTER VII.

Bread and Bakers.

CHAPTER VIII.

Brewers.

CHAPTER IX.

CHAPTER X.

CHAPTER XI.

CHAPTER XII.

CHAPTER XIII.

CHAPTER XIV.

CHAPTER XV.

CHAPTER XVI.

Churchwardens and Overseers.

CHAPTER XVII.

The Clergy.

CHAPTER XVIII.

CHAPTER XIX.

CHAPTER XX.

CHAPTER XXI.

Copyright.

CHAPTER XXII.

CHAPTER XXIII.

CHAPTER XXIV.

Customs.

CHAPTER XXV.

CHAPTER XXVI.

Distillery Laws.

CHAPTER XXXIII.

GAMES AND GAMING.

CHAPTER XXXIV.

GENERAL POST-OFFICE.

CHAPTER XXXV.

GLASS MANUFACTURERS.

CHAPTER XXXVI.

GOLDSMITHS, SILVERSMITHS, AND PLATE-WORKERS.

CHAPTER XXXVII.

CHAPTER XXXVIII.

CHAPTER XXXIX.

CHAPTER XL.

HOP GROWERS AND EXPORTERS.

CHAPTER XLI.

HORSES AND HORSE-RACES.

CHAPTER XLII.

JUSTICES OF THE PEACE.

CHAPTER XLIII.

LORD'S DAY.

CHAPTER XLIV.

MALTSTERS.

CHAPTER XLV.

Master, Servant, and Apprentice.

CHAPTER XLVI.

Medicine Venders.

CHAPTER XLVII.

CHAPTER XLVIII.

CHAPTER XLIX.

Newspapers.

CHAPTER L.

Nuisances.

CHAPTER LI.

Paper Makers and Stainers.

CHAPTER LII.

Passage Vessels.

CHAPTER LIII.

CHAPTER LIV.

Physicians, Surgeons, Apothecaries, and Anatomists.

CHAPTER LV.

Pilots.

CHAPTER LVI.

CHAPTER LVII.

CHAPTER LVIII.

CHAPTER LIX.

Religious Worship.

CHAPTER LX.

Sale of Public Offices.

CHAPTER LXI.

CHAPTER LXII.

CHAPTER LXIII.

Soapmakers.

CHAPTER LXIV.

Stage-coaches.

CHAPTER *LXIV.

Stamp Duties.

CHAPTER LXXII.

CHAPTER LXXIII.

TEA, COFFEE, AND CHOCOLATE.

CHAPTER LXXIV.

TOBACCO AND SNUFF.

CHAPTER LXXV.

TURNPIKE ROADS.

CHAPTER LXXVI.

CHAPTER LXXVII.

Vinegar and Verjuice.

CHAPTER LXXVIII.

Wages.

CHAPTER LXXIX.

Wine.

LOCAL ACTS OF THE METROPOLIS.

CHAPTER I.

CHAPTER II.

CHAPTER III.

CHAPTER IV.

CHAPTER V.

CHAPTER VI.

Police of the Metropolis.

CHAPTER VII.

CHAPTER VIII.

CHAPTER IX.

CHAPTER X.

Street Nuisances, Sewers, &c.

CHAPTER XI.

CHAPTER XII.

THE

BOOK OF PENALTIES.

CHAP. I.

ADULTERATIONS AND FRAUDS.

I. ALE AND BEER.

No Brewer, or retailer of, or dealer in Beer, shall have in his possession, or make, use, mix with, or put into any wort or beer, or liquor, extract, calx, or other material or preparation for darkening the colour, other than brown malt, ground or unground as commonly used in brewing; or shall have in his possession, use, mix, or put into any wort or beer any molasses, honey, liquorice, vitriol, quassia, coculus indicus, grains of paradise, quince, pepper, opium, or any extract or preparation of molasses, or any article or preparation whatever as a substitute for malt or hops. Penalty 200*l.* for every offence, and forfeiture of all such adulterations, with the beer, wort, casks, vessels, and packages. 56 Geo. 3, c. 58, s. 2.

If any druggist, dealer in drugs, chemist, or other person, shall send, deliver, or sell to any brewer, retailer of, or dealer in beer, knowing him to be licensed, or reputed so to be, or to any other person on account of such brewer, &c., any liquor, known by the name of *colouring*, from whatever materials made, or any other preparation other than unground malt, for darkening the colour of beer, or any liquor or preparation, whether to be used in wort or beer, as a substitute for malt or hops, he shall forfeit 500*l.* for every offence, together with the prohibited articles. s. 3. Brewer, innkeeper, or victualler, using broom, wormwood, or other bitter ingredient to serve instead of *hops* to forfeit 20*l.* half to H. M. half to prosecutor. 9 Anne, c. 12, s. 24, 26.

If any person licensed to sell beer *by retail*, knowingly sell any beer, ale, or porter, made otherwise than from malt and hops, or mix any drugs or other pernicious ingredient in the beer, sold in his house or premises, or fraudulently *dilute* or any way adulterate such beer; he shall for the *first* offence forfeit not less than 10*l.*, nor exceeding 20*l.*; for the *second* offence be disqualified from selling beer by retail, for two years, or forfeit not less than 20*l.*, nor exceeding 50*l.*, at the discretion of the convicting magistrate. 1 Wm. 4, c. 64, s. 13.

II. COFFEE, COCOA, AND ROASTED CORN.

Every person, who at the roasting of coffee, or before, or after, makes use of water, grease, butter, or other material, to increase the weight, or damnify

the coffee, shall forfeit 20*l.*; and every trader or dealer in coffee, who knowingly buys or sells such coffee, shall forfeit 20*l.*, half to the king, and half to the party who sues. 5 Geo. 1, c. 11, s. 23.

If any scorched or roasted peas, beans, or other grain or vegetable substance be manufactured in *imitation* of coffee or cocoa, or to serve as substitute for them, be offered for sale, or found in possession of any seller of coffee or cocoa, or if any such imitations be called by the name of British coffee or cocoa, the same shall be forfeited, and the person manufacturing, selling or having the same in possession, be fined 100*l.* 43 Geo. 3, c. 129.

But persons *not* dealers in, or sellers of coffee or cocoa, may take out *a license* to manufacture and sell scorched or roasted corn, peas, beans, or parsnips, whole and not ground, crushed, or powdered. Penalty for making such roasted corn, &c., or selling them without license, or without annually renewing the license, ten days before the expiration of the same, 50*l.* 3 Geo. 4, c. 53, ss. 1, 2, 4.

Places must be entered, and under survey of excise, and roasted corn, &c. enclosed in packages, inscribed *Roasted corn, peas, beans,* or *parsnips,* as the case may be, with name of seller. Penalty for omission 50*l.* s. 6.

Licensed dealer in cocoa, not being a roaster of corn, may, on being licensed, manufacture cocoa paste, broma, and other mixtures of cocoa, provided such manufactures be enclosed in packages not exceeding one pound, nor less than a quarter of a pound.

Penalty for adulterating such mixtures of cocoa, or obstructing officers in taking stock, 100*l.* s. 7.

The clause in this act requiring packages of cocoa mixtures to have an *excise* stamp is repealed. 6 Geo. 4, c. 118.

III. HAIR POWDER.

If any perfumer, or barber, or seller of hair powder, mix powder of alabaster, plaster of Paris, whiting, lime, or other thing of the like kind (sweet scents excepted) with starch, to be used for making hair powder, he shall forfeit 50*l.*, half to his majesty and the other half, besides full costs, to the informer.

Any perfumer, &c., exposing to sale hair powder so adulterated to forfeit 50*l.*, and 20*l.* additional, to be divided between the king and informer. 10 Anne, c. 26, s. 31; 4 Geo. 2, c. 14.

Having materials in possession for adulteration of hair powder, penalty 10*l.* 4 Geo. 2, c. 14, s. 8.

IV. HOPS.

If any person import into England from abroad hops deceitfully or corruptly unclean, mixed with any powder, dust, dross, sand, or other soil, he shall forfeit the same, 1 Jac. 1, c. 18, s. 2.

Any person buying such hops so imported from abroad, or grown within the realm, and using them in the making of beer or ale for sale, to forfeit the value thereof, in moieties to H. M. and party suitor. s. 3.

Any person in Great Britain or Ireland mixing with, or putting into hops any *drug or ingredient* to alter the colour or scent, shall, on conviction, on oath of one witness, before one justice, forfeit 5*l.* per cwt. 7 Geo. 2, c. 19, s. 2.

V. TEA.

If any dealer in or seller of tea, dye or fabricate any sloe or *other leaves*, in imitation of tea, or mix or colour leaves of tea with *terra japonica*, or other ingredient, or vend or expose to sale, or have in possession the same, he shall forfeit for every pound of such adulteration 10*l.* 4 Geo. 2, c. 14, s. 11.

Every person, whether a dealer in or seller of tea or not, who shall dye or fabricate any sloe leaves, liquorice leaves, or the leaves of tea that have been used, or the leaves of the ash, elder, or other tree, shrub, or plant, in *imitation of tea*, or who shall mix or colour such leaves with *terra japonica*, copperas, sugar, molasses, clay, logwood, or other ingredient, or who shall sell or expose to sale, or have in custody any such adulterations in imitation of tea, he shall, for every pound, forfeit, on conviction by the oath of one witness, before one justice, 5*l.*, or on non-payment be committed to the house of correction for not exceeding twelve, nor less than six months. 17 Geo. 3, c. 29, s. 1.

Any person having in possession any quantity exceeding six pounds of sloe, ash, or elder leaves, or the leaves of any other tree, plant, or shrub, green

or manufactured, and shall not prove to the satisfaction of the justice hearing the matter that the same were gathered with the consent of the owner of the trees, &c., and that they were gathered for some other purpose than that of being fabricated in imitation of tea, he shall forfeit 5*l.* for every pound in his possession, or, on non-payment be committed to prison. s. 2.

If an officer of excise, or other person, will make oath that he suspects herbs dyed, or otherwise prepared in imitation of tea, are hid or lodged in any place, a justice may issue a warrant for seizing the same, by day or night (in the night in presence of a constable), together with all waggons, tubs, and packages in which they may be contained; the herbs may be directed to be burnt and the waggons, &c. sold, and, after deducting expenses, the proceeds to be shared, half to informer and half to poor of the parish. Obstructing such seizure subjects the offender to penalty of 50*l.*, or not less than six, nor exceeding twelve months imprisonment. s. 3.

Herbs not to be burnt if owner can prove within twenty-four hours that they were gathered with consent of proprietor of trees, plants, or shrubs, and that they were not intended to be fabricated *in imitation* of tea. s. 4.

Occupier of premises where herbs are found liable to the penalties, unless he can prove they were lodged without his consent. s. 5. See further, *Tea and Coffee Dealers.*

The growth of tobacco in the United Kingdom is prohibited under a penalty of 10*l*., except in a medicinal garden, to the extent of one half pole. Any dealer in tobacco or snuff having such prohibited tobacco in possession in any quantity, or any other person, to the amount of one pound, to forfeit 100*l*. 1 & 2 Wm. 4, c. 13.

Every person who shall cut, or procure to be cut, any walnut, hop, or sycamore leaves, or *other leaves*, into the form of the usual cuts of tobacco for sale, or shall colour any such leaves to resemble tobacco, or shall knowingly sell or offer to sell such leaves, mixed or unmixed with tobacco, shall forfeit for every pound weight 5*s*. in moieties to H. M. and informer. 1 Geo. 1, st. 2, c. 46, s. 1.

Exporting, or putting on board for exportation, such leaves, or endeavouring to obtain the drawback for them as tobacco, subjects to a penalty of 5*s*. per pound, over and above all other penalties. s. 2.

All leaves so cut, and all utensils employed therein, become forfeited. s. 3.

Servants and labourers employed in cutting and vending the same may be imprisoned not exceeding six months. s. 5.

If any person make, mix, or colour any Snuff with ochre, umber, or any other colouring (except with water tinged with Venetian red), or mix with snuff any fustic, or yellow ebony, touchwood, or other wood, or any dirt, sand, or dust sifted from tobacco, or knowingly sell or expose to sale such

snuff, he shall forfeit the same, and 3*l.* for every pound weight thereof. 5 Geo. 1, c. 11, s. 22. See further, *Tobacco and Snuff Manufacturers.*

All smuggled tea, snuff, and tobacco become forfeited, as well as the ships or vessels by which it is attempted to import them. 3 & 4 Wm. 4, c. 53, ss. 2, 3. But pursers of H. M.'s ships of war may ship tobacco for the use of crew, *free of duty*, on giving bond in treble the amount of duties that no part shall be reloaded without leave of the customs. No greater quantity of tobacco so shipped to be allowed than two pounds by the lunar month for each of the crew, nor any greater quantity be shipped at one time than sufficient to serve the crew for six months after such rate of allowance. Officers are allowed a drawback of the duties on *wine* intended for consumption in the navy. 3 & 4 Wm. 4, c. 52, ss. 96—101.

VII. WAX AND HONEY.

Using any deceit in making or melting wax, by mixing it with rosin, tallow, turpentine, or other deceitful thing, with intent to sell the same, subjects the adulterated wax to forfeiture; and, if sold before detection, the melter to a penalty of 2*s.* per pound, in moieties to H. M. and the person who sues. 23 Eliz. c. 8.

Every maker and melter of unwrought wax to have a stamp of the breadth of sixpence, with which to stamp every piece of wax, in three places, with the initials of his name, on pain of forfeiture. s. 2.

No person to sell any wrought wax, or lights, sealingwax, or book candle, unless made of good stuff, under pain of forfeiture. s. 3.

Offering to sell any adulterated wax subjects it to forfeiture.

Barrels, kilderkins, and firkins filled with HONEY by the maker or seller to be marked with the initials of his name, each one inch and a half long, burnt on the head of the cask, on pain of forfeiting *6s.-8d.* for every cask offered for sale. Penalty *5s.* for every half gallon short measure; and honey sold adulterated to be forfeited, with the vessel containing it. s. 4.

Counterfeiting the marks on wax, or putting thereon without consent the marks of any other person, penalty *5l.* s. 6.

The act does not affect persons selling the wax of their own bees in small quantities in open market.

VIII. WINES.

Sellers of wine not to mix Spanish with French or Rhenish wines, nor with cider, perry, honey, sugar, syrups, or molasses; nor put in isinglass, brimstone, lime, raisins, water, clary, or other herb, nor any flesh, on pain, if sold in gross, *100l.*, or if sold retail *20l.*, half to his majesty, half to informer, 12 Car. 2, c. 25, s. 11.

No vintner, or retailer of wines, to sell them except in measures made of pewter, sealed according to statute, under *5l.* penalty. 1 Wm. & Mary, st. 1, c. 34, s. 19.

Every merchant, vintner, or other person selling wine by wholesale or retail, who shall adulterate the same, shall forfeit 300*l.* for every offence, in moieties to H. M. and informer, and the offender be imprisoned three months. s. 20.

IX. WEIGHTS AND MEASURES.

Justices, at their petty sessions, may appoint one or more persons to examine the measures used within their jurisdiction; or a majority of the inhabitants of any parish may, at a vestry holden for the purpose, appoint five or more substantial householders, to be approved by such petty sessions, for a similar purpose. The persons so appointed, and having been first sworn faithfully to execute their duty, may enter any shop, house, stall, or standing of any person who sells *by retail*, and by any measure of capacity, any article, and seize such measures as are found not according to the standard, which, on conviction before the justices, become forfeited, and the offender subject to a penalty of not less than 5*s.* nor exceeding 20*s.*, with costs. 37 Geo. 3, c. 143, ss. 2, 4; 55 Geo. 3, c. 43, ss. 1, 2, 7.

Every person who obstructs or in any wise opposes the authorized examination of his measures, or who refuses to produce his measures in order to their examination, shall forfeit, on conviction before one justice, not exceeding 5*l.* nor less than 40*s.* 55 Geo. 3, c. 43, s. 3.

The penalties under these acts are appropriated to

defray the expense of their execution; the examiners being entitled to a reasonable recompence for their trouble. ss. 4, 5.

The penalties of these acts may be inflicted for all false and fraudulent measures used in Great Britain, not conformable to the imperial standard introduced for establishing uniformity of weights and measures. 5 Geo. 4, c. 74, s. 21.

For other adulterations and frauds, see chapters on *Bread, Butter and Cheese, Gaming, Horse Dealing*, &c.

CHAP. II.

ALEHOUSES, BEER HOUSES, AND HOTELS.

I. LICENSED VICTUALLERS.

Yearly a special session of justices is held, called the *General Annual Licensing Meeting*, for the purpose of licensing the keepers of inns, alehouses, and victualling houses; in the counties of Middlesex and Surrey such meeting is held within the first ten days of the month of March, and in every other county in England on some day between the 20th of August and 14th of September. Special sessions for the transfer of licenses are held at intermediate periods.

Persons intending to apply for a license to a house

offence, within three years, to forfeit not exceeding 50*l.* with costs; or the case, in the last instance, may be adjourned to the petty sessions, or the annual meeting, or the general quarter sessions; and if the offender is found guilty by a jury, he may be fined 100*l.* or adjudged to forfeit his license, or both, and rendered incapable of selling any exciseable liquor in any inn or alehouse kept by him for three years. s. 21.

Person summoned as a witness under this act, refusing to attend, penalty 10*l.* s. 23.

Recovery of Penalties.—Penalty to which any justice is liable, recoverable in any court of record at Westminster, half to the king, half to prosecutor. s. 24. Other penalties recoverable before a justice, who may adjudge any portion of them, not exceeding a moiety to informer, the remainder to the treasurer of the county. s. 26.

II. RETAILERS OF BEER.

Any householder assessed to the poor rates, and not a sheriff's officer, or officer executing legal process, may obtain an *excise* license to sell beer *by retail*, in any house or premises specified in the license. Licenses within the limits of the chief office of excise in London are granted by the commissioners; elsewhere by the collectors and supervisors of the district. The duty on each license is 2*l.* 2*s.*, and continues in force twelve calendar months; it must be granted within ten days after application, and the execution of a bond with one surety in the penalty of

20*l.*, or two sureties in the penalty of 10*l.* to answer for offences.

An excise license may be obtained by the payment of a duty of 1*l.* 1*s.* for the sale by retail of *cider* and *perry*, subject to like penalties as the sale of beer. Persons licensed to sell beer may also sell cider and perry without taking out a separate license for the purpose; but persons licensed *only* to sell cider and perry cannot retail beer.

Penalties.—Not having the christian and surname, with the words, *Licensed to sell Beer by Retail* painted on a board over the door in letters at least three inches in length, in white upon a black ground, or in black upon a white ground, 10*l.* 1 Wm. 4, c. 64, s. 6.

Selling beer in other place than that specified in license, or without annually renewing license, or dealing in wine or spirits 20*l.* for each offence. s. 7.

Retailing beer in other vessels than a standard gallon, quart, pint, or half-pint (unless in quantities less than a half-pint), 30*s.* penalty. s. 12.

Permitting drunkenness or disorderly conduct, or violating conditions of license, for a *first* offence not exceeding 5*l.*; for a *second* not exceeding 10*l.*; for a *third* not exceeding 50*l.*: in the last case the justices may adjudge the offender to be disqualified for retailing beer for two years, and that no beer shall be sold by any person in premises specified in forfeited license on penalty of 10*l.*, or not exceeding 20*l.* s. 13.

Selling beer made otherwise than from malt and hops, mixing drugs or other pernicious ingredients

therewith, or fraudulently diluting beer, for a *first* offence not exceeding 20*l.*; for a *second* offence not exceeding 50*l.*, or be disqualified, at discretion of justices, from selling beer for two years: and if the offender disqualified sell beer *elsewhere* he forfeits 25*l.*, or not exceeding 50*l.*; and any person selling beer in prohibited place to forfeit not less than 10*l.* nor exceeding 20*l.* *ib.*

Retailers' houses not to be opened any day in the week before four o'clock in the morning nor after ten in the evening, nor on any Sunday, Good Friday, Christmas-day, or any day appointed for a public fast or thanksgiving, between the hours of ten and one, or three and five in the day. Penalty for every offence 40*s.*, and every separate sale is deemed a separate offence. s. 14.

Penalties are recoverable within three months, and if not paid within seven after conviction, leviable by distress; in default of payment justices may proceed against sureties within one month after conviction. ss. 15—19.

All penalties, powers, and regulations set forth in the chapter on *Excise*, and comprised in 7 & 8 Geo. 3, c. 53, and other acts, extend to retailers of beer.

Harbouring Police Constables.—Any victualler or keeper of any house, shop, room, or other place for the sale of liquors, whether spirituous or otherwise, knowingly harbouring or entertaining any constable belonging to the metropolitan police force, during his hours of duty, is liable to a fine not exceeding 5*l.* 10 Geo. 4, c. 44, s. 6.

Music and Dancing.—By 25 Geo. 2, c. 36, the keeping, within the cities of London and Westminster, and twenty miles thereof, without license from the quarter sessions, any house, garden, or place for *public dancing, music, or other public entertainment,* is prohibited under a penalty of 100*l.* on the keeper, and the house to be deemed disorderly. Constables, or other persons authorized by warrant, may enter such places, and seize any person found therein, in order to their being dealt with according to law. Places licensed are directed to have an inscription over them, setting forth that they are licensed pursuant to the statute; but places licensed by the crown, or lord chamberlain, are excepted from the act.

III. HOTELS AND SPIRIT SHOPS.

The commissioners and officers of excise are prohibited from granting to the keepers of hotels and spirit shops a license for the sale, by retail, of any *exciseable liquor,* to be consumed on the premises, unless a magistrate s license for the sale of beer has been previously obtained. All excise licenses granted contrary to this provision are void, and the parties obtaining them, and retailing wines, spirits, or any exciseable liquors, would be liable to the penalties for selling without license, as was recently the case of the hotel-keepers of the metropolis. 9 Geo. 4, c. 61, s. 17.

For other penalties to which alehouse-keepers and wine and spirit retailers are liable, see chapters on *Excise* and *Excise Licenses.*

CHAP. III.

ASSESSED TAXES.

The qualification of a county commissioner of taxes is an income of 100*l*., or being heir apparent to an income of 300*l*. from real estate. In a city, borough, or town corporate, the qualification is being an inhabitant of the same, and possessed of an income from real estate of 40*l*., or possessed of personal estate of the value of 1000*l*. The qualification in the metropolis is having real or personal estate of the value of 5000*l*. after payment of debts. In Scotland the sheriffs depute and substitute, in virtue of their offices, without other qualification, act as commissioners in their respective shires or stewartries.* Acting without qualification, or without taking oath thereof, penalty 200*l*. 43 Geo. 3, c. 99, ss. 4, 7; 38 Geo. 3, c. 5.

If, in the execution of their duty, a controversy arises among the commissioners on any matter in which a commissioner has an interest, the interested commissioner must withdraw, and take no part in the debate, on penalty of 50*l*. 43 Geo. 3, c. 99, s. 8.

Assessors not making return of their assessments

in the manner and time directed by commissioners, to forfeit not less than *5l.* nor exceeding *20l.* s. 9.

Assessors appointed by two justices, or the chief magistrate and justices of any city or town corporate, refusing to act, or to take the oath, to forfeit *50l.* s. 32.

Clerk of the commissioners not making out the duplicates of assessment within the time required by the act to forfeit 100*l.* and be dismissed from his office. s. 46, & 50 Geo. 3, c. 105, s. 5.

If any surveyor or inspector, through favour, wilfully underrate or omit to charge any person, or is guilty of corrupt, vexatious and illegal practices, he shall for every offence forfeit 100*l.* and be dismissed from his employment. 43 Geo. 3, c. 99, s. 15.

Collector dismissed for neglect of duty must, on demand of commissioners, deliver to the new collector his certificate of assessment, receipts and vouchers of payment, &c., on pain of *50l.*, to be charged and recovered in any assessment of the parish or place. s. 40.

Collector summoned by commissioners refusing to attend, or to answer all questions touching the execution of his office, to forfeit *50l.*, to be charged as in last section. s. 41.

Collectors of any parish or place, when required by two or more churchwardens and overseers, or guardians of the poor, or select vestry, or any seven of them, shall, within fourteen days after such demand, deliver an account, in writing, of sums

received, amount paid to receiver-general,* and balance in hand, on pain of forfeiting 20*l.* to the poor of the parish. s. 42.

Collectors to make a return to commissioners of all persons from whom he has not been able to collect the taxes: every officer concerned is to take care that the necessary process be issued for the recovery of sums unpaid; and collector omitting to make return of defaulters, to forfeit 100*l.* s. 45.

Collectors who collect by a false book, or receive more than is charged in the rate, or fraudulently alter any rate after the book has been signed and allowed, to forfeit 100*l.* s. 51.

Receiver-general (see note below) to deliver to the person appointed by the commissioners for the purpose a list or certificate of all sums received by him from the collectors in his district. Penalty for omission 20*l.* s. 53.

Receiver-general to pay the moneys received from the collectors into the exchequer only, and within he time limited, on penalty of 500*l.* s. 54.

Receiver-general certifying sums to be in arrear which have been paid, to forfeit double such sums to the king. s. 56.

* The duties of the receivers-general of the land and assessed taxes were transferred by 1 & 2 Wm. 4, c. 18, to the inspectors of taxes, except one receiver-general for the London district, and such other districts as the lords of the treasury may determine.

Obstructing Officer.—All constables and other officers of his majesty are bound to assist in the execution of the acts for assessed taxes, and obey warrants and precepts directed to them by two or more commissioners. Wilfully obstructing any assessor, collector, surveyor, or inspector in the due execution of his office, subjects to a penalty of 50*l.* s. 60.

Inspection of Parish Books.—Two or more commissioners, and any surveyor, inspector, or other person authorized by them, are empowered to inspect and make extracts from any books of poor rates kept by parish officers; or of any public taxes or assessments under the management of the kirk session in Scotland; and every person who shall neglect or refuse to permit such extracts to be made, to forfeit not exceeding 10*l.* 43 Geo. 3, c. 161, s. 16.

Assessor's Notice.—Assessors, within twenty-one days after the commencement of the duties of each year, to give a general notice, to be affixed on the doors of the church, chapel, or market-place, requiring residents within their district to deliver to their assessors, within fourteen days after date of notice, lists and declarations required by the act. Wilfully tearing down or defacing such notice penalty not exceeding 20*l.*, nor less than 5*l.* s. 25.

Besides the general notice, a notice must be left at every house. Occupiers to make known notice to lodgers (if lodger not received one from assessor), and require them to declare whether or not they are liable to any of the duties, and to attest the return;

lodgers refusing to make declaration when required, and attest the return, to forfeit *50l.*; with a like penalty on occupier neglecting to require declaration, or to insert it in his return to the assessor, s. 32.

Person having divers residences in Great Britain to return separate lists for each, specifying the several objects for which they are liable, and the parish or place where it is intended the duties shall be paid. If any person, having delivered his declaration to pay the duties in any parish, other than that in which the list is delivered, shall not return a list in such other parish, according to such declaration, in order to his being regularly brought into charge by the assessor of such other parish, he shall forfeit *50l.* ss. 34, 35.

Person claiming exemption, or liable to the duties, who neglects to deliver a list or declaration where it ought to be delivered, or omits any person, description, or thing, which ought to be returned, or making any untrue return of any particular, to forfeit *50l.* above the duty chargeable. s. 37.

Persons keeping servants, carriages, or horses, where they have no residence, the list must be made out and signed by those who have the care of such carriages, &c., and declaration made of the place of assessment of the same, and of their own or employer's most usual place of abode. Penalty for omission, *50l.* s. 39.

Lodging-house Keepers, &c.—Every inhabitant householder of any lodging-house to enter in a book

an account of all lodgers liable to the duties; every livery-stable keeper, an account of every carriage or horse kept by or delivered for him; every person letting servants, horses, or carriages for hire, to enter an account of the same; every horse-dealer to enter an account of the number of horses kept by him, distinguishing those for sale and those for use; every coachmaker to enter the number of carriages built by him for sale, distinguishing the number of wheels to each, the number sold, the name and abode of the buyers, and the day on which they were sent out of the shop; and every seller of carriages, by auction or on commission, must also enter in a book the number of carriages sold by him, the number of wheels, names of buyers, and day of sale: all such books to be open to inspection by the assessor, &c., at all reasonable times, and a copy of such books is required to be delivered to the assessor of the district, if in England within twenty-one days after *January* 5, *April* 5, *July* 5, *October* 10; and if in Scotland within twenty days after September 29 and March 25, yearly: persons keeping such books, or their servant, workman, or manager, may be required to make oath to the truth of the particulars they contain. Penalty for neglecting to keep such book, or to deliver copy, or omitting any particular it ought to contain, 50*l.* s. 43. Proper forms of such accounts may be obtained at the tax office, or of the surveyor of the district. s. 44.

Tollkeepers on any turnpike road, by whom any certificate of horses let to hire is filed, must permit

nspection of the same by surveyor of taxes, &c., on penalty of 100*l.* s. 46.

Commissioners may publish lists of persons chargeable to the duties on church door or other public place; tearing down or defacing such lists penalty 5*l.* s. 50.

• *Leaving Taxes unpaid.*—Every person assessed removing out of the collector's district, without paying the duties then due, and without leaving sufficient goods whereon arrears may be levied, shall forfeit, beside the duties, 20*l.* s. 51.

Persons who, by change of residence or other fraud, evade taxation, may be charged a *treble* assessment, which, on non-payment, may be levied on the goods or lands. s. 53.

Every person who, by any *fraudulent* contrivance, procure any assessment to be altered, to the injury of the revenue, to forfeit 50*l.* s. 76.

Window and House Duties.—Every occupied dwelling-house or tenement to be charged by the assessor or surveyor with the window duties according to the *number*, and with the inhabited house duty, according to the '*full and just yearly rent at which it is really worth to be let;*' assessor omitting so to charge, to forfeit not exceeding 20*l.* nor less than 5*l.* 43 Geo. 3, c. 161, s. 10.

Game Certificate.—Every person who intends to take or kill any game, woodcock, snipe, quail, land-rail, or cony, must take out a certificate from the collector of taxes in the parish or place where he resides. The assessor, collector, landlord, occu-

pier, or any person assessed to the game duties, may demand the certificate of any person found using any dog, gun, net, or other engine for the purpose of sporting, and may read and take a copy of the same. If any person, after demand made, refuse to produce his certificate, or to declare his name, abode, and place of assessment, or produce any false certificate, name, or residence, he shall forfeit 20*l*. 48 Geo. 3, c. 55.

If any person use any dog, gun, net, or other engine for the purpose of sporting, without first taking out a certificate, he is liable to the full duty of 3*l*. 13*s*. 6*d*. and a penalty of 20*l*. *ib*. An uncertificated person is liable to an additional penalty of 5*l*. under the Game Act, 1 & 2 Wm. 4, c. 32, s. 23, which see under the head of *Game Laws*.

Double Duties.—Persons who have paid the duties in Great Britain in respect of servants, carriages, horses, dogs, and game certificates, for one whole year, are exempt during that year from the duties payable for the same servants, carriages, &c. or others in lieu of them, kept or used in Ireland. In like manner the payment of the duties in Ireland exempt in Britain. But persons guilty of any *fraudulent* contrivance to obtain an exemption in either case are subject to a penalty of 100*l*. 51 Geo. 3, c. 92; 7 & 8 Geo. 4, c. 49.

Surcharges.—Inspector or surveyor who wilfully makes any false and vexatious surcharge of the duties of assessed taxes, or wilfully delivers to the commissioners any false and vexatious certificate of

surcharge, shall forfeit to the party aggrieved 100*l.*, or treble the value of the sum claimed by such surcharge, with *full costs:* and the inspector or surveyor be dismissed from his office. 48 Geo. 3, c. 141; 50 Geo. 3, c. 105.

Composition for Assessed Taxes.—If any person who has not compounded occupy any house, or keep for his own use any article chargeable with duty, which has been compounded for by another (the house or article continuing to belong to the person who has compounded) the same continue liable to assessment, as if no composition had been made, and, on proof of design to defraud the revenue by such occupation or use, the offender is liable to treble duty. 1 & 2 Geo. 4, c. 113, s. 20.

Practising any fraud in obtaining or renewing a contract of composition renders the contract void, and subjects to a penalty of 50*l.* s. 21.

Recovery of Penalties.—Pecuniary penalties, not exceeding 20*l.*, are recoverable before two or more commissioners; and also penalties exceeding 20*l.*, if directed to be added to the assessments. Proceedings are by information or complaint made in writing to the commissioners, who by summons direct the accused to appear before them at such time and place as they shall appoint. No appeal or removal of process is allowed into any court of law or equity, except where a surcharge has been made, and a case demanded and stated for the opinion of one of the judges. Penalties, if sued for within twelve calendar months, are mostly half to his majesty, half to the informer, with costs.

CHAP. IV.

ATTORNEYS AND SOLICITORS.

Attorneys and solicitors are persons admitted, after examination by the judges, to practise in the king's courts; the former in courts of common law, the latter in courts of equity: they take oath to demean themselves in their practice to the best of their "knowledge and ability," and are considered public officers belonging to the courts of which they are admitted. As they enjoy certain privileges on account of their admission, so they are peculiarly subject to the censure and animadversion of the judges, who occasionally exercise over them summary jurisdiction by removing them from the rolls for conduct inconsistent with professional duty.

A certificate must be taken out *yearly* by every person admitted as an attorney or solicitor in any of the courts at Westminster, or in any of the courts of the great sessions in Wales,* or of the counties

* The courts of the city and county of Chester and of great sessions in Wales were lately abolished; and the jurisdiction of the superior courts at Westminster, and the circuits of the judges extended to the palatinate and the principality. 1 Wm. 4, c. 70.

palatine of Chester, Lancaster, and Durham, or in any other county in England, holding pleas where the debt or damage amounts to 40*s.* Penalty for acting without certificate, or for delivering in any false or fictitious place of residence, to evade the higher rate of duty, 50*l.* 25 Geo. 3, c. 80, s. 7.

A client is not required to allow an attorney or solicitor or his servant fees given to counsel, or for copies, unless he receive *tickets* signed by such as receive such fees; and an attorney must also give to his client true bills of all the charges of suit under his own hand, before he can charge him with payment; and if he delay the client's suit for *gain*, or demand by his bill allowance for money which he has not disbursed, the latter may recover against him costs and treble damages, and the attorney or solicitor be for ever disqualified. 3 Jac. 1, c. 7, s. 1.

An attorney suffering another to follow a suit in his name to forfeit 20*l.* and be disqualified. s. 2. But it seems (2 Geo. 2, c. 23, s. 10) an attorney of any court may, with consent of an attorney of another court, in writing, signed by him, and in the name of such attorney sue out process or carry on or defend any action or proceeding, though he is not admitted an attorney of such other court.

Persons acting as attorney or solicitor in any court by suing out process or prosecuting or defending any action, without being admitted and enrolled, are subject to a penalty of 50*l.*, payable to the prosecutor, and cannot maintain any action for fees or disbursements. 2 Geo. 2, c. 23, s. 24.

Every person not admitted, who shall carry on any action or other proceeding in a county court shall forfeit 20*l.* for every offence, recoverable with costs by the party suing, within twelve months after. 12 Geo. 2, c. 13, s. 7.

No person to act as attorney, solicitor, or agent at any general or quarter sessions of the peace, unless admitted and enrolled of one of the courts at Westminster, and unless he so continue on the roll at the time of acting; penalty 50*l.* to be recovered with treble costs; and any attorney who allows a person not admitted to act in his name to forfeit 50*l.* to be recovered in like manner. s. 12.

No attorney or solicitor in prison, or within the rules, shall sue out any writ or process, or act in any suit in any court; all proceedings by him are void, and he, or any other attorney permitting him to commence any suit in his name, shall be struck off the rolls. s. 9. But an attorney so confined may carry on any suit commenced before his imprisonment. s. 10.

No clerk of the peace, under sheriff, or their deputies to act as attorney, solicitor, or agent, or sue out process at any general or quarter sessions to be held for the county where he executes his office, under penalty of 50*l.*, to be recovered with treble costs by any person who will sue. s. 14.

No attorney, solicitor, or proctor is qualified to be a justice of peace within any county during such time as he shall practise as such, under penalty of 100*l.*, half to his majesty, and half to the person who

will sue for the same, by action of debt or information in any of the superior courts. 5 Geo. 2, c. 18, ss. 2, 3.

The court for relief of Insolvent Debtors may appoint attorneys to practise therein, but any attorney removed from the files of the court continuing to practise is guilty of contempt, punishable by fine and imprisonment. 7 Geo. 4, c. 57.

An attorney employed by a parliamentary candidate, within six months before, or fourteen days after an election, and receiving remuneration for such employment, is disqualified from voting. 7 & 8 Geo. 4, c. 37, s. 1.

The master of faculties in London may admit any attorney, solicitor, or proctor, to practise as a public notary, in districts distant ten miles from the Royal Exchange, where the number of notaries is insufficient. Notaries admitted under this act, practising *out* of the district to which they are restricted, liable to be struck off the roll of faculties. 3 & 4 Wm. 4, c. 79.

PENALTY ON UNPROFESSIONAL PERSONS.

As the law has imposed responsibilities on the legal profession, so it has interdicted others under penalty from executing for *gain* certain departments of professional business.

Every person who for any *fee* or *gain* shall draw or prepare any conveyance of, or deed relative to real or personal estate, or any proceeding in law or equity, except serjeants at law, barristers, attorneys,

solicitors, notaries, proctors, agents, and procurators, having obtained regular certificates, and special pleaders, draftsmen in equity and conveyancers, being members of the four inns of court, and having taken out certificates, shall forfeit 50*l.* Persons solely employed to engross any deed, instrument, or proceeding, not *drawn or purchased by themselves*, and public officers preparing official instruments, are excepted from the penalty. Neither is any person liable who prepares any will or other testamentary paper, or any agreement not under seal, or any letter of attorney. 44 Geo. 3, c. 93, s. 11.

CHAP. V.

AUCTIONEERS AND APPRAISERS.

An auctioneer, or seller by commission of any estate or effects by knocking down of hammer, candle, lot, or other mode, whereby the highest bidder becomes the buyer, is required to take out an excise license, such license to be renewed annually ten days before expiration of the current year. Penalty for acting without license, or without renewing the same yearly, if the offence be committed within the limits of the head office of excise, London, 100*l.*, if without these limits 50*l.* 19 Geo. 3, c. 56. ss. 3, 4.

Auctioneer acting within the limits of the London district must give bond to H. M., himself in 1000*l.* and two sureties in 200*l.* each, conditioning to deliver to the excise, within twenty-eight days after each sale, an exact account, in writing, of the total amount of money bid at each sale; of the articles sold, with the prices of each, and what articles were bought in by the owner, or his direction, in writing, and at the same time pay the duties due. Penalty for neglect or returning a false account, the bond put in suit, and in case of verdict against defendant, the license becomes void. s. 7.

Auctioneer acting without limits of head office to give bond, himself in 500*l.* and two sureties in 50*l.* each, and accounts of sale and payment of duties must be made within six weeks after each auction. 17 Geo. 3, c. 50, s. 7; 19 Geo. 3, c. 56, s. 8; 42 Geo. 3, c. 93, s. 15.

Duties become chargeable immediately after fall of the hammer, or other close of the bidding. 19 Geo. 3, c. 56, s. 2.

Auctioneer not paying the duties in legal time to forfeit double the duties unpaid; and if, in fourteen days after conviction and execution issued, sufficient goods cannot be levied, sureties become liable. 38 Geo. 3, c. 54, s. 2.

Auctioneer selling within the limits of the London district must give *two* days' notice in writing, signed by himself, specifying the day when the auction will begin, and then, in twenty-four hours after, deliver a catalogue signed by himself or known clerk,

enumerating all the articles to be sold at the auction. Auctioneer acting without limits of the head office in any part of Great Britain to give *three* days' notice of sale to collector of excise, with a catalogue in like time. Penalty for selling by auction without these requisites, 20*l.* 19 Geo. 3, c. 56, s. 9.

Within twenty-eight days after the day specified in notice as day of sale, within limits of chief office of excise, auctioneer must make a declaration, in writing, sworn to by himself or clerk, expressing whether the sale took place or not, or whether any article was bid for or sold; if such notice of sale has been given *without* the limits, a like declaration must be made in like manner within six weeks after the day fixed for the sale to the collector of excise of the walk. Penalty for neglect or refusal 50*l.*, half to H. M., half to the informer. 32 Geo. 3, c. 11, s. 1.

Any auctioneer acting without limits of chief office, and not prepared to deliver in his account to the collector, in whose walk his notice was delivered, and sale by auction made, may deliver in his account in six weeks after such sale, at the chief excise office, London, with a copy of notice and catalogue before delivered to collector. Penalty 20*l.* for omission of copies of notice and catalogue. 19 Geo. 3, c. 56, s. 10.

If within twelve months sale proves void from defect of title, duty paid may be reclaimed; or if defect of title is not discovered till after twelve

months, duty may be reclaimed within three months after such discovery. 28 Geo. 3, c. 37, s. 19.

In sales *under an execution* auctioneer must specify in catalogue the effects to be so sold, and the exact sum levied under the execution, and the sheriff sign the catalogue, certifying at the foot that the effects were property of defendant, and seized in execution, 19 Geo. 3, c. 56, s. 16. So in sales of bankrupt's effects, the assignees signing and certifying in lieu of sheriff.

Catalogues so signed and certified must be produced to the excise by the auctioneer, with his account, and a penalty of 20*l*., payable by sheriff or assignees, for false insertion in such catalogues of effect not property of debtor or bankrupt, or for neglecting to certify true sum to be levied, or certifying a false sum. s. 16.

Auctioneer employed to sell goods damaged by fire, and sold by order of and for benefit of insurers, must specify goods to be sold in catalogue, to be signed by insurers, certifying that sale is for their benefit; such catalogue to be produced by auctioneer on passing his account. Penalty 20*l*. on insurer for any false insertion of other goods, or omission to insert in catalogue real goods sold. s. 17.

When property is *bought in* by owner or his agent duty remitted: but a notice in writing, signed by owner or his agent actually employed in managing, and by the intended bidder, declaring that the latter

is employed by the former, must be given to the auctioneer, and verified by his oath as to the fairness of the proceeding; and, on any dispute as to collusion, the proof must be on the auctioneer as to the fairness of the transaction. 19 Geo. 3, c. 56, s. 12; 42 Geo. 3, c. 93, ss. 1, 2.

A licensed auctioneer going from town to town in a public stage coach, and sending goods by a public conveyance, and selling them on commission, or by retail or auction, is within the 50th Geo. 3, c. 41, and must take out a hawker's and pedler's license, under penalty of 50*l.*

A licensed auctioneer may act as broker within the city of London, without being liable to the penalties of 6 Anne, c. 16, for non-admission.

II. APPRAISERS.

Except licensed auctioneers, every person who for hire or reward exercises the occupation of an appraiser, namely, to appraise or value real and personal property, dilapidations, repairs wanted, materials and labour used, and all artificer's work must take out an annual ten shilling stamp license. Penalty for acting without license 50*l.* 46 Geo. 3, c. 43, s. 6.

Appraisers neglecting to set down every appraisement made by them, with the full amount thereof, on paper duly stamped, and within fourteen days deliver the same to their employers, to forfeit 50*l.* s. 8.

No person who employs an appraiser shall receive

or pay any compensation for the appraisement, unless the same is written on duly stamped paper, on pain to forfeit 20*l.* s. 9.

Although the appraisement fills several sheets of paper, a stamp is only necessary for that which contains the aggregate amount of the articles valued. s. 10.

DISTRESS FOR RENT.

In a distress for rent the charge for appraisement and other costs are fixed by statute, and no person in making a distress, where the sum demanded does not exceed 20*l.*, shall take more than the following costs:—

	s.	*d.*
Levying distress . . .	3	0
Man in possession, per day . . .	2	6
Appraisement in the pound on the value of the goods	0	6
Expenses of advertisement, if any .	10	0
Catalogue, sale commission, and delivery of go[illegible] in the pound, on the net produce of sale	1	0
Stamps the lawful amount thereof.		

Penalty for exacting above these charges *treble* the amount of the moneys so unlawfully taken, and which may be obtained on application to any justice. 57 Geo. 3, c. 93, ss. 1, 2.

Persons summoned as witnesses not attending, to forfeit 40*s.* s. 3.

Broker making a distress to give a copy of his charges, and of all the costs, signed by him, to the

person on whose goods the distress is levied, though the rent demanded exceed 20*l.* s. 6.

The provisions of this act have been extended to any distress for *Land Tax*, *Assessed Taxes*, *Tithes*, *Poor Rates*, *Church Rates*, *Highway and Sewer Rate*, or any other rates or assessments whatever, where the sum demanded does not exceed 20*l.* 7 & 8 Geo. 4, c. 17.

CHAP. VI.

BANKERS, BILLS, AND NOTES.

Except the Bank of England no banker or other person is allowed to issue notes payable to bearer on demand, and re-issuable without taking out a license; and a separate license must be taken out for every town or place where such notes are issued. Licenses granted between the 10th of October and 11th of November must be dated on the 11th of October, and every license granted on any other day must bear date on the day of granting the same. All licenses continue in force from their date until the 10th of October following, both days inclusive. 55 Geo. 3, c. 184, s. 24.

Bankers in Scotland are not obliged to take out more than *four* licenses in all for any number of towns or places in Scotland; three of the licenses

include only one town or place each, but in the fourth all the other towns or places are included. s. 25.

Bankers applying for license are to deliver specimens of their notes ; and, where licenses have been granted to persons in partnership, they continue in force, notwithstanding any alteration may take place in the firm. s. 28.

Penalty on bankers who issue re-issuable notes, payable to bearer on demand, without a license, or at any other place, or under any other firm than that specified in license, 100*l.* s. 27.

II. NOTES, BILLS, AND DRAFTS.

Promissory notes, bills of exchange, drafts, or undertakings in writing, being negotiable or transferable for payment, of 20*s.* or above, and under 5*l.* must specify the names and abode of the persons to whom and to whose order the same are payable, and bear date on or before the day of drawing or issuing, be payable within twenty-one days after date, and not be transferable after time limited for payment, and every endorsement be made before expiration of such time, bearing date on or before the time of making, and specifying name and abode of the person to whom or whose order the same is payable; and the signing of all such notes, &c., and of every endorsement, to be attested by one subscribing witness: otherwise such notes, bills, &c. are void. 17 Geo. 3, c. 30, s. 1.

Promissory notes, bills, drafts, or undertakings in

writing, for *less* than 20*s.*, being negotiable or transferable, are void; persons uttering such are subject to a penalty of not less than 5*l.* nor exceeding 20*l.*, which is recoverable in a summary way before one justice, half to the informer, half to the poor of the parish. 48 Geo. 3, c. 88, ss. 2—4.

The 7th Geo. 4, c. 6, prohibits to be issued, after April 5, 1829, all promissory notes for less than 5*l.* payable to *bearer on demand*, issued by the Bank of England, or by any licensed English banker, and stamped on the 5th of February, 1826, or previously.

To prevent the circulation of Scotch or Irish notes for less than 5*l.* it is provided that if any corporation or person shall, by any contrivance, either negotiate or transfer in England any promissory note, draft, or engagement in writing, made payable on demand to the bearer, and being negotiable or transferable for the payment of less than 5*l.* or on which less than 5*l.* shall remain undischarged, which has been made or issued in Scotland or Ireland, or *elsewhere out of England*, wheresoever the same may be payable, such corporation or person shall forfeit not less than 5*l.* nor exceeding 20*l.* 9 Geo. 4, c. 65.

This act does not extend to drafts drawn by any person on his banker for the use of the drawer. s. 4.

III. STAMP DUTIES ON BILLS AND NOTES.

Duties on bills, notes, drafts, or orders to be paid by the drawer. 31 Geo. 3, c. 25, s. 1.

No draft or order for the payment of money on demand upon any banker transacting business within ten miles where such draft or order has been drawn, is liable to duty. 39 Geo. 3, c. 107, s. 2.

No bill of exchange, requiring a stamp, can be *re-issued* on any pretence whatever. s. 5.

Notes allowed to be re-issued for three years from the date shall on the payment of such notes at the end of three years, and all bills, notes, or drafts not allowed to be re-issued, shall, on payment thereof, be deemed wholly discharged and cancelled; re-issuing such notes, bills, or drafts, penalty 50*l.*; and any person taking them, knowing the re-issue to be prohibited, penalty 20*l.* 48 Geo. 3, c. 149, s. 14.

To make, sign, issue, accept, or pay any bill, note, or draft, without the stamp required by law, subjects to a penalty of 50*l.* s. 11.

Dating a bill, order, &c. payable after date or sight, subsequent to the day on which issued, subjects to penalty of 100*l.* 55 Geo. 4, c. 184, s. 12.

Issuing any unstamped bill, &c., post-dated, upon any banker, or not truly specifying place where issued, penalty 100*l.*; knowingly receiving such bill in payment, penalty 20*l.*; and banker paying such bill to forfeit 100*l.*, and not be allowed the money so paid in account against the person by whom the bill was drawn. s. 13.

Promissory notes, payable to bearer on demand, for sums not exceeding 100*l.* each, may be re-issued as often as convenient; but notes not payable to bearer on demand are not re-issuable, under penalty

of 50*l.*, nor without the annual banker's license of 30*l.* 55 Geo. 3, c. 184, s. 14.

No bankers' notes (that is, notes payable to bearer on demand) to be issued with the date printed, on penalty of 50*l.* s. 18.

Bankers' notes made out of Great Britain not to be negotiable or payable in Great Britain, whether made payable there or not, without being duly stamped. Penalty on paying or receiving such notes 20*l.* s. 29.

IV. NOTES AND BILLS ON UNSTAMPED PAPER.

The 9th Geo. 4, c. 23, after reciting the expediency of allowing bankers to issue their notes and bills on *unstamped* paper, on payment of a composition in lieu of the duties, enacts that any banker in England (except within the city of London or three miles thereof), having first obtained a license, and given security by bond, may issue, on unstamped paper, promissory notes for 5*l.* or upwards, payable to bearer on demand, or to order, at not exceeding seven days after sight; and also issue, on unstamped paper, bills of exchange, payable to order on demand, or at not exceeding seven days after sight, or twenty-one days after the date thereof: provided such bills of exchange be drawn upon a banker in the metropolis, or drawn by a banker at a place where he is licensed to issue unstamped notes and bills upon himself or partner, payable at any other place where he is licensed to issue unstamped paper. A separate license is to be taken

out for each place where such unstamped paper is issued, and charged with a duty of 30*l*. The composition in lieu of the duties to be at the rate of 3*s*. 6*d*. half-yearly for every 100*l*. of paper issued or in circulation. Bankers refusing or neglecting to renew their bond, to forfeit 100*l*., and post-dating any bill or note subjects to a like penalty. Bankers, while licensed under this act, not to issue for the *first time* on stamped paper notes payable to bearer on demand.

V. DRAFTS EXEMPT FROM DUTY.

All drafts or orders for the payment of any sum of money to bearer on demand, and drawn in any part of Great Britain, upon any banker, or person acting as banker, who resides or transacts the business of a banker *within fifteen miles* of the place where such drafts or orders are issued, is exempted from any stamp duty; provided the place where such drafts or orders are issued is specified therein; and provided they bear date on or before the day on which they are issued; and provided they do not direct the payment to be made by bills or promissory notes. 9 Geo. 4, c. 49, s. 15.

VI. RETURNS OF BANKERS' NOTES.

Bankers issuing promissory notes, payable to bearer on demand, are required to keep weekly account of the average amount of their notes in circulation; and from such weekly accounts, verified

on oath before a justice, by their secretary or accountant, make quarterly returns to the commissioners of stamps—namely, on the first days of April, July, October, and January. Penalty for neglect, or making any false return, 500*l.*, and on the secretary or accountant, 100*l.* 3 & 4 Wm. 4, c. 83, s. 1.

By section second of this act banking firms of more than *six partners* may draw on their agents in London, on demand or otherwise, any bill or note for less than 50*l.*, notwithstanding the contrary provisions of 7 Geo. 4, c. 46.

VII. RENEWAL OF BANK CHARTER.

During the continuance of the privileges of the Bank of England no banking company of more than *six* persons can issue notes payable on demand within London and sixty miles thereof. But any company or *number of partners* may carry on the trade or business of bankers within these limits, provided they do not borrow or take up money on their notes in England payable on demand, or at any time less than six months. 3 & 4 Wm. 4, c. 98, ss. 1—3.

All notes of the Bank of England, payable on demand, issued out of London, to be made payable at the place where issued. s. 4.

Exclusive privileges of the Bank to terminate upon one year's notice [illegible] at the end of ten years from August 1834; or, if such notice be deferred, then exclusive privileges to cease in 1855. s. 5.

From August 1, 1834, bank notes made *a legal tender* for all sums above *5l.* so long as the bank continue to pay their notes in legal coin. But such notes not a legal tender in payment by the bank or the branch banks; and the branch banks are only liable to pay the notes they respectively issue, but the bank in London is compellable to pay both the notes issued by the branches and parent establishment. s. 6.

All bills of exchange and promissory notes issued in the United Kingdom, not having more than three months to run, are exempt from the *usury laws*. s. 7.

An account of the bullion, securities, notes in circulation, and deposits of the bank to be weekly transmitted to the Chancellor of the Exchequer; such accounts to be "consolidated" at the end of every month, and an average state of the bank accounts of the three preceding months to be published monthly in the *London Gazette*. s. 8.

Lastly, in consideration of the exclusive privileges granted by this act, the Bank, from August 1834, to deduct annually 120,000*l.* from the charge allowed for the management of the national debt. s. 13.

For penalties on bankers sending parcels by post see *General Post Office*.

CHAP. VII.

BREAD AND BAKERS.

I. IN THE COUNTRY.

Any person out of the city of London and ten miles beyond the Royal Exchange, may make, bake, and sell bread, made of flour or meal, of wheat, barley, rye, oats, buckwheat, Indian corn, peas, beans, rice, and every other kind of grain, and potatoes, or any of them, and with common salt, pure water, eggs, milk, yeast, barm, leaven, and potato yeast, and mixed in such proportions as the makers think fit. 1 & 2 Geo. 4, c. 50, s. 2.

Although no assize of bread be set according to 53 Geo. 3, c. 116, no loaves of bread called assized loaves to be made where any loaves called *priced loaves* are made at the same time; so that a person may not be injured by buying assized loaves in lieu of priced loaves and the contrary. Penalty not exceeding 40*s*., nor less than 10*s*. s. 3.

Master or journeyman *adulterating* bread with alum or any other unwholesome ingredient is subject to a penalty of not less than 5*l*., nor exceeding 20*l*., and the convicting magistrate may direct offender's name to be published in the newspaper of the place or neighbourhood. s. 4.

Adulterating corn, meal, or flour, or selling or

exposing the same to sale, subjects to a penalty of *5l.*, or not exceeding *20l.* s. 5.

Every loaf of bread made of the meal or flour of any other grain than wheat, intended for sale, to be marked with a large Roman M; penalty for omission of such mark 10*s.*, or not exceeding 40*s.* s. 6.

Seizure for adulteration.—Magistrates, or peace-officers authorized by warrant, may enter at seasonable hours in the day-time, any house, mill, shop, stall, bakehouse, boiling-house, pastry-warehouse, outhouse, or ground, taking with them a master miller, mealman, or baker, and seize any meal, flour, dough, or bread, adulterated, or any ingredients intended to be used for the purpose of adulteration, and magistrate may dispose of such seizures as he thinks proper. s. 7.

Persons convicted of having adulterating materials in possession may be fined *5l.*, or not exceeding *20l.*, and be advertised in a local newspaper. s. 8.

Obstructing a search subjects the parties to a penalty not exceeding *5l.*, nor less than 50*s.* s. 9.*

Weights and Scales.—Bakers and sellers of bread to fix beam and scales with proper weights in their shops, so that purchasers of bread may require it to be weighed. Penalty for neglect or providing deficient weights, or refusing to weigh bread in presence of buyer, 20*s.*, or not exceeding *5l.* s. 10.

* An old statute, c. 11, time uncertain, makes the adulteration of oatmeal punishable with forfeiture of meal, and for a fourth offence banishment from the town.—*Tyr. and Tyn. Dig. of Statutes*, p. 302.

Observance of Sunday.—Bakers not to sell or expose to sale any bread, rolls, or cakes, on Sunday: or bake or deliver any meat, pudding, pie, tart, or victuals, at any time after half-past one o'clock in the afternoon; and no meat, pudding, pie, &c. shall be brought or taken from any bakehouse, during divine service, nor within one quarter of an hour of the commencement thereof. Persons offending against these regulations, to forfeit, for the *first* offence, 5*s.*, for the *second*, 10*s.*, and for the *third*, and every subsequent offence, 20*s.* s. 11.

No miller, baker, or corn-dealer, is to act as justice in the execution of this act. Penalty 50*l.*

Informations under this act must be exhibited within fourteen days after offence committed. s. 22. Penalties half to informer, half to the poor. s. 13. Witnesses refusing to attend may be imprisoned not exceeding fourteen days. s. 14.

II. BREAD IN THE METROPOLIS.

The penalties of preceding act, 1 & 2 Geo. 4, apply to places ten miles beyond the Royal Exchange; the penalties of the following act, 3 Geo. 4, c. 106, apply to the city of London and places within ten miles of the Royal Exchange.

Bread for sale within the limits of the metropoli may be made of the same ingredients as specified in the country, namely, of flour, or meal of wheat, barley, rye, oats, buckwheat, Indian corn, peas, beans, rice, or potatoes, or any of them; and with common salt, pure water, rye, eggs, milk, barm, leaven, po-

tato or other yeast, mixed in such proportions as the makers think fit. It may be sold of any weight or size, and to sell otherwise than *by weight* subjects to a penalty not exceeding 40*s*. But this does not apply to French or fancy bread, or rolls, which may be sold without previously weighing. 3 Geo. 4, c. 106, ss. 2, 3, 4.

Penalty 5*l*. or not less than 40*s*. on bakers using any other weight than avoirdupois weight. s. 5.

Sections 6 and 7, which prohibited for two years delivering bread in peck and half-peck loaves, &c., and which required them to weigh bread, whether or no the purchaser desired it, have expired.

Bakers required to keep beam and scales in shop; using false weights, penalty not exceeding 5*l*. s. 8. A like penalty imposed on carrying out bread unaccompanied with scales, or using false weights. s. 9.

Penalty not exceeding 10*l*., nor less than 5*l*., if either master, journeyman, or servant, adulterate bread, and the offender's name may be advertised in newspaper. s. 10.

Adulterating corn, meal, or flour, penalty not exceeding 20*l*., nor less than 5*l*. s. 11.

Bread made of mixed meal or flour, to be marked with a Roman M; penalty for making or exposing to sale such bread without such mark, not exceeding 10*s*. s. 12.

Magistrates and peace officers may search baker's premises at all seasonable hours for adulterated flour, meal, &c.; if found, or any materials for adulteration, penalty for *first* offence not exceeding 10*l*., nor

less than 2*l.*; *second* offence, 5*l.*, and every subsequent offence, 10*l.*: the offender's name may be advertised. ss. 13, 14.

Obstructing a search, penalty not exceeding 10*l.*; but when penalties have been incurred through neglect or wilfulness of journeymen compensation may be obtained. s. 15.

Sunday in Metropolis.—Bakers not to bake bread or rolls on the sabbath-day: nor sell bread, nor bake meat, pies, &c., except between nine o'clock in the morning and one o'clock in the afternoon. Penalty for *first* offence 10*s*, for *second* offence 20*s*., for *third* and every subsequent offence 40*s*.; together with the costs of prosecution. But bakers may *deliver* to their customers bakings until half-past one o'clock on the Lord's day. s. 16.

No miller, mealman, or baker, to act in the execution of this act under a penalty of 100*l.* s. 17. And in case any person resist or make forcible opposition to any person employed in the execution of the act to forfeit 10*l.* s. 18.

Complaints under the act must be made within forty-eight hours after commission of the offence. s. 31.*

* Besides the local act for the metropolis, and the general act for the country beyond its limits, several other acts continue in force on the subject of bread, chiefly imposing penalties relative to setting the *assize of bread*; but as the practice of setting the assize of bread has been formally abolished in London (55 Geo. 3, c. 99) and in most other cities and towns discontinued, it has not been thought necessary to notice them.

CHAP. VIII.

BREWERS.

Except as to the delivery of certificates, increase of stock, and the granting of securities, the laws regulating the manufacture of beer have not been materially changed by the act (1 Wm. 4, c. 51) for repealing the duties thereon: all the laws still continue in force relative to the taking out of licenses by brewers and dealers in beer, the entry of premises, and the using or having in possession ingredients for fraud and adulteration.

Every brewer of beer for sale in Great Britain must enter in the book delivered to him by the excise the quantity of malt he intends to use in his next brewing, the day on which such brewing will take place, and the date of such entry; such entry to be made before any of the malt is mashed or mixed with water. Penalty for neglect, or cancelling, or altering such entry, or not keeping the book in some open place of the entered premises for inspection by the officers of excise, 200*l.* 1 & 2 Geo. 4, c. 22, s. 1.

Mashed malt is not to be removed till gauged and taken an account of by the officer under penalty of 200*l.* But this penalty not incurred if time for taking gauge has been specified by the excise in the entry book, and the officer within one hour after has failed to attend. s. 2.

Officer may take a sample of the wort, not exceed-

ing a pint, at any time after it has been drawn from the mash tun; such samples to be returned, or paid for at the current price of the beer intended to be made. Penalty for fermenting the wort with yeast or other matter, until after samples have been taken, 200*l.* But penalty not incurred if officer neglect to attend within one hour after the specified time. s. 3.

The remaining sections of this act 4 and 5, repealed by 1 Wm. 4, c. 51, s. 3.

Brewer to make a true entry in writing of every place and of every mash tun intended to be used in brewing or in keeping worts or beer, or storing malt or hops, at the nearest office of excise. Penalty for omission 200*l.*, and all worts, or beer, or materials for making the same, found in any place or mash tun, not specified in such entry, become forfeited, and may be seized by any officer. 1 Wm. 4, c. 51, s. 15.

Officers may enter any building or place used by brewers, or retailers of beer, for the purpose of inspecting or taking an account of beer, malt, &c.; brewers or dealers obstructing such inspection to forfeit 100*l.* s. 16.

No brewer to have in his brewery, or any part of his entered premises, or in any mill connected with such brewery, any *raw or unmalted corn or grain*; and all unmalted corn or grain which shall be found, and all malted corn or grain with which unmalted corn or grain shall have been mixed, become forfeited, and may be seized by any officer, together with all vessels or packages containing the same;

and every brewer for such offence to forfeit 200*l.* s. 17.

II. RETAIL BREWERS AND DEALERS IN BEER.

A brewer of strong* beer only may take out a license to retail strong beer from the premises where brewed, and any person not being a brewer of beer, either for sale or private use, taking out a license to sell strong beer only, brewed by any other brewer, in casks containing not less than four gallons and a half, or less than two dozen reputed quart bottles at one time, is called a *dealer in beer*. But neither the license of the retail brewer, nor of the dealer in beer, authorizes the sale of table-beer, or beer to be drunk or consumed on the premises where sold. A license authorizing beer to be *drunk on the premises where sold*, must either be the license granted by magistrates to the keepers of inns and alehouses, or the common excise license granted to retail beer only, and not to be held with a wine or spirit license.

By the act for the repeal of the beer duties, it is provided that from *Oct.* 10, 1830, brewers are to pay license duty according to the *quantity of malt* used by them in brewing, and that every brewer shall be deemed to have brewed one barrel of beer for every

* It may be inferred that the classification of brewers into the strong, intermediate, and table beer brewers, has ceased. These distinctions originated in the different rates of duty imposed on the different kinds of beer according to their strength; but as all these duties have been repealed, all beer may be brewed of any degree of strength the brewer pleases.

two bushels of malt used. And further that any person in the United Kingdom may take out a license to brew under 6 Geo. 4, c. 81 (see chap. on *Excise Licenses*) without giving any *security* as a brewer. 1 Wm. 4, c. 51, ss. 7, 8.

Having premised these explanations, we proceed to the penalties affecting retail brewers and dealers in beer.

No retail brewer to sell table-beer, or beer to be drunk on the premises, or to consume any less quantity of malt at one brewing than sixteen bushels, on penalty for each offence of 100*l*. If the brewery is situate out of a city or market-town, and beer not retailed there, *one* house, room, or place, may be entered in any *one* adjoining city or town for the retail of beer. 5 Geo. 4, c. 84, s. 57.

A brewer, retail brewer, or dealer in beer, selling beer either in quality, quantity, or place, contrary to their respective licenses, to forfeit for every offence 100*l*. s. 8.

No retail brewer to deliver from his entered premises beer during the hours of divine service on *Sunday*; nor on any other day to retail beer in a quantity less than a *whole* barrel, except between the hours of four in the morning and ten in the evening. Penalty for every offence 20*l*. s. 11, as amended by 9 Geo. 4, c. 68.

Person disabled by conviction from keeping a common inn or alehouse, not allowed to take out a retail brewer's license; penalty for retailing beer, after such conviction, 50*l*. 5 Geo. 4, c. 54, s. 15.

Penalty on obstructing officers in the execution of this act 200*l.* s. 19.

III. EXPORTATION OF BEER.

From October 10, 1830, a drawback of 5*s.* per barrel has been allowed on every barrel of beer of thirty-six gallons exported as merchandise to foreign parts. But, before the debenture for this drawback will be paid, the exporter, or his principal clerk, or manager, must make oath before the proper officer of excise that such beer was put on board the exporting ship as merchandise to be sent beyond seas, and no part for the ship's use, and that according to the best of his knowledge and belief the same has been brewed wholly from malt which has been charged with and paid the duty of 2*s.* 7*d.* à bushel, and also specify in such oath the time when and place where; and the brewer being an entered and licensed brewer for sale by whom such beer was brewed, and that the quantity of malt used was not less than *two* imperial bushels for every barrel of beer brewed. Persons making false statements to forfeit 200*l.*, and and the debenture be void. 1 Wm. 4, c. 51, ss. 9, 13.

For other matters relative to brewers, see *Adulterations, Coopers, Maltsters, and Excise Licenses.*

CHAP. IX.

BRICK AND TILE MAKERS.

Clay dug for making bricks for sale in England to be turned once between Feb. 1st and the time of making bricks. Penalty for making bricks of clay not so turned 10*s*. for every 1000 bricks made. 10 Geo. 3, c. 49, s. 2.

Within fifteen miles of the city of London brick-earth may be dug any time of the year, provided it is turned once before made into bricks. s. 3.

Cinders, commonly called breeze, may be used only in the burning of bricks in clamps. s. 5.

All bricks made for sale to be when burnt not less than 8½ inches long, 2½ thick, and 4 wide; and all pantiles made for sale when burnt to be not less than 13½ inches long, 9½ wide, and ½ an inch thick. Penalty for every 1000 bricks made of less dimensions 20*s*.; for every 1000 pantiles 10*s*., and so proportionately for every greater or less number of bricks or pantiles. 17 Geo. 3, c. 42, ss. 1, 2.

The size of the sieve for sifting coal-ashes to be mixed with brick earth not to exceed ¼ of an inch between the meshes. s. 3.

All contracts and agreements, whether in writing or not, entered into by brick or tile makers for engrossing bricks and tiles, or for restraining any person from freely selling them, or for fixing the price under which they shall not be sold, are void; and persons forming such contracts or acting thereon

shall forfeit 20*l.*, or if only clerk or assistant 10*l.*, half to the poor, half to the parish, to be recovered with full costs by action of debt. s. 4.

Maker of bricks to enter his premises at the next excise office, on pain of 100*l.* Duties to be charged on bricks while drying, and before removal to the kiln; allowance of ten bricks in every hundred for waste. Obstructing officer in charging duty, penalty 50*l.* Bricks not to be removed until duty charged, on pain of 50*l.* Bricks surveyed to be kept separate from those unsurveyed, on pain of 50*l.* Concealing bricks, to evade duty, 20*l.* Maker to enter an account of bricks made every six weeks, on pain of 50*l.*; and within six weeks after entry, clear of the duties, on pain of double duty. 24 Geo. 3, c. 24; 25 Geo. 3, c. 66.

The duties of excise payable on tiles, and upon tiles brought from Ireland to Great Britain, and drawbacks on the exportation thereof have been repealed from May 21, 1833. 3 Wm. 4, c. 11.

CHAP. X.

BROKERS.

Brokers are of different kinds, as stock brokers, pawn brokers, ship and insurance brokers, bill or exchange brokers, and brokers who sell or appraise household furniture distrained for rent: But the penalties applicable to the class of brokers here intended to be noticed, are those licensed in the city of London,

and who, as middlemen, transact business and negotiate bargains between merchants and individuals.

Brokers are licensed by the Lord Mayor and court of aldermen, who administer an oath and take bond for the faithful execution of their office. If any person act as broker, without being licensed and admitted, he forfeits 500*l.*, and persons employing him 50*l.* They are to register contracts, &c., under a like penalty; and are prohibited from dealing for themselves on pain of forfeiting 200*l.* They are to carry about them a silver medal as evidence of their qualification, having the king's arms, the arms of the city, and their name engraven thereon. 8 & 9 Wm. 3, c. 20.

Brokers employed to make any bargain or contract for buying or selling any taillies, orders, or exchequer bills or tickets, or bank bills, or any shares in any joint stock created by act of parliament, or letters patent, under the great seal, who shall take directly or indirectly any sum or reward for his services exceeding 2*s.* 9*d.* for 100*l.* and so in proportion, he shall forfeit 20*l.* to any person suing for the same. 10 Anne, c. 19, s. 121.

By 57 Geo. 3, c. 60, brokers acting without being admitted, are made liable to a penalty of 100*l.* payable to the chamber of London. And by the same act they are to pay 3*l.* *additional* to the 40*s.* formerly payable on admission, and an additional 3*l.* yearly, on the 29th of September, to the 40*s.* formerly payable under 6 Anne, c. 16, s. 4.

For BUTCHERS, see *Nuisance.*

CHAP. XI.

BUTTER AND CHEESE.

Every warehousekeeper, weigher, searcher, or shipper of butter and cheese, shall receive all butter and cheese brought to him for the London cheesemongers and ship the same without undue preference, receiving a fee of 2*s*. 6*d*. for each load; penalty for default 10*s*. for every firkin of butter, and 5*s*. for every wey of cheese, half for the poor, and half for the informer. 4 W. & M. c. 7, s. 4.

Warehousekeepers, &c. to keep a book of entry, on pain of 2*s*. 6*d*. for every firkin of butter and wey of cheese. s. 5.

Master of a vessel refusing to take in butter or cheese before he is full laden (except it be a cheesemonger's own vessel sent for his own goods), shall forfeit for every firkin of butter refused 5*s*., for every wey of cheese 2*s*. 6*d*. s. 6.

This act does not extend to any warehouse or vessel in Cheshire or Lancashire. s. 9.

Makers of vessels for packing butter to make the same of seasoned timber, tight and not leaky, grooving in the heads and bottoms thereof, and every vessel to be a *tub*, *firkin*, or *half firkin*. Every tub to weigh eleven pounds, and not exceeding fifteen pounds, be capable of containing eighty-four pounds of butter, and the top and bottom not to exceed five-eighths of an inch in thickness. Every *firkin* to weigh seven pounds, and not exceeding eleven

pounds, be capable of containing fifty-six pounds of butter, and the top and bottom not to exceed half an inch in thickness. Every *half firkin* to weigh four pounds, and not exceeding six pounds, be capable of containing twenty-eight pounds of butter, and the top and bottom not exceed three-eighths of an inch in thickness. Penalty for default in any of these points 10*s*. for each vessel. 36 Geo. 3, c. 86, s. 1.

Maker of butter vessels to brand on the outside of the bottom his name in legible characters, and the tare or weight thereof, under penalty of 10*s*. s. 52.

Maker also to brand on the bottom his parish or place of abode, under penalty of 10*s*. 38 Geo. 3, c. 73, s. 1.

Every dairyman, farmer, or seller of butter, to pack it in vessels so marked, and shall season such vessels before packing; and when seasoned, on the bottom on the inside, and on the top on the outside, brand his name at length; also on the top on the outside, and on the bouge or body, brand the true weight or tare of the empty vessel when soaked, and his name across two staves at least, and likewise imprint his name at length on the top of the butter. Penalty for default 5*l*. 36 Geo. 3, c. 86, s. 3.

Dairymen, &c. to pack in a tub eighty-four pounds of good merchantable butter; in a firkin, fifty-six pounds; in a half firkin, twenty-eight pounds: no old or corrupt butter to be packed with new and sound butter; no whey-butter to be packed with butter made of cream; each of these sorts of butter to be packed separately, and butter to be

salted only with small fine salt, and no more of it than necessary for the preservation of the butter. Penalty for default in each case 5*l.* s. 4.

If any change, fraud, or deceit, is practised, either in the vessel containing the butter, or in the butter itself, whether in quality, quantity, or weight, or in the brands or marks on the vessel, or in any other manner after the butter is packed for sale, all the parties concerned therein shall forfeit 30*l.* s. 5.

Cheesemongers, and dealers in butter, selling a tub, &c., to deliver the full quantity required by the act, or in default make satisfaction to the buyer with costs. s. 6.

No cheesemonger, &c. to *repack* butter under pain of 5*l.* for each tub or firkin repacked. s. 7.

But *foreign* butter may be repacked, if prior thereto the name of the original dairyman be effaced, leaving the name and tare of the cooper, and the tare of the dairyman, and the cheesemonger branding his own name and the words *foreign butter* on the bouge across two staves. s. 8.

Penalty 40*l.* for counterfeiting or forging any name or marks. s. 9.

Factor or agent buying or selling butter for others, offering for sale, or having in his possession any vessel containing butter not marked and made, and butter imprinted as described, shall forfeit 20*s.* 38 Geo. 3, c. 73, s. 2.

Every dealer in butter on his own account having in his possession any vessel of butter not marked, &c., to forfeit 10*s.* s. 3.

Penalties not above 3*l.* to be recovered before

one justice; above *5l.* by action of debt or information: the whole to go to the informer, with costs.

The acts do not extend to the packing of butter in quantities not exceeding fourteen pounds.

CHAP. XII.

BUTTONS.

No person shall make, sell, or set on any clothes or garments, buttons made of cloth, serge, drugget, frize, camlet, or other stuffs of which clothes are usually made, or any buttons made of wood only, on pain of forfeiting 40*s*. per dozen in moieties to H. M. and party suing. 10 Wm. 3, c. 2.

No tailor or other person in Great Britain shall make, sell, or use, buttons or buttonholes, made or bound with cloth (4 Geo. 1, c. 7, s. 1), serge, drugget, frize, camlet, or stuff, on pain of *5l.* for each dozen of buttons or buttonholes. 8 Anne, c. 6.

No person in Great Britain to *use* or *wear* buttons or buttonholes made of or bound with cloth or any stuff whereof clothes are made, on pain of forfeiting 40*s*. for every dozen of buttons, or buttonholes. 7 Geo. 1, st. 1, c. 12, s. 1. Not to extend to clothes made of *velvet*. s. 5.

All clothes made with buttons and buttonholes of the same cloth or stuff of which the clothes are made, and exposed to sale in any shop, fair, or market, become forfeited, and may be seized. 4 Geo. 1, c. 7, s. 8.

Sale of Metal Buttons.—Putting false marks on buttons, indicating that they are gilt or plated when they are not, subjects them to forfeiture and a penalty of *5l.* for any quantity not exceeding twelve dozen, and exceeding twelve dozen after the rate of *1l.* for every twelve dozen. 36 Geo. 3, c. 60, ss. 1, 2.

No person shall mark on any buttons any word indicating the quality except the words gilt or plated, nor shall any person pack such buttons, or expose them to sale, on pain of forfeiting *5l.* for any quantity exceeding a dozen and less than twelve dozen, and exceeding twelve dozen the rate of *1l.* for every twelve dozen. s. 3.

No penalty incurred by stamping buttons with the words *double gilt*, or *treble gilt*, provided gold shall remain equally spread upon the upper surface of such buttons, exclusive of the edges in proportion for double gilt of ten grains, and for treble gilt in proportion of fifteen grains to such quantity of buttons, the upper surface of which shall equal the superfice of a circle twelve inches in diameter. s. 4.

Every person who knowingly makes or delivers out in relation to metal buttons any invoice or bill of parcels expressing other than the real quality thereof, shall forfeit *20l.* s. *5.*

Knowingly intermixing buttons not gilt or plated upon any card (except pattern card) with buttons gilt or plated, subjects them to forfeiture and a penalty of *5l.* for any quantity above a dozen, and not exceeding twelve dozen. s. 6.

No metal button to be deemed gilt unless, from the

time of gilding, gold remains equally spread on the upper surface, exclusive of the edges, in the proportion of five grains to such quantity of buttons, the upper surface of which shall be equal to the area of a circle of twelve inches diameter; and no metal buttons to be deemed plated, unless the area of the upper surface be made of a plate of silver fixed on copper, or a mixture of copper with other metals, previous to such plate of silver and copper, or mixture of copper with other metals being rolled into sheets or fillets. s. 7.

Penalties to be appropriated, half to the poor, and half to person suing. s. 16. Proceedings must be had within three calendar months after offence. s. 15. Witnesses not attending or refusing to answer, penalty *5l.* s. 13.

This act does not extend to buttons made of gold, silver, tin, pewter, lead, or mixture of tin and lead, nor to Bath metal or white metal buttons, or to any metals inlaid with steel, or buttons plated on shells. s. 20.

CHAP. XIII.

CARDS AND DICE.

The duties on cards and dice are under the management of the commissioners of stamps, and the following duties are payable:

Every maker of playing cards and dice in the

United Kingdom to take out an annual license, *five shillings.*

For every pack of cards made fit for sale or use, *one shilling.*

For every pair of dice made fit for sale or use, *twenty shillings.*

Persons requiring license must give bond in 500*l.* with one or more sureties to answer penalties, &c.

Making playing cards or dice for use or exportation without taking out an annual license, penalty 100*l.*; together with forfeiture of materials and implements which may be seized by an officer of stamps. 9 Geo. 4, c. 18. ss. 1—6.

No cards or dice to be made in any place in Great Britain, except in London, Westminster, or Southwark; nor in Ireland, except Dublin. Penalty 100*l.*, and 20*l.* additional for every day the trade in prohibited places may be carried on. s. 7.

Card makers are to send sufficient paper to the Stamp Office to have aces of spades marked thereon, one of which is to be put in each pack, and distinguishing marks to be used to denote cards for home use and exportation. Using any wrapper or jew, other than that approved by commissioners. 20*l.*

Cards made or begun to be made, not to be removed without consent of commissioners till the duties be paid or secured upon pain of treble value; nor materials, on pain of forfeiting double value, to be recovered as a debt of the crown with full costs. s. 11.

Makers of cards and dice to deliver to the Stamp

Office accounts monthly of the number made by them, and pay the duties thereon within ten days after; penalty for each default 20*l*., with double the amount of duties then due. s. 13.

Officer may from time to time inspect stock of cards and charge 1*s*. for every ace of spades not accounted for; and if maker refuse to allow inspection, to forfeit 1*s*. for every ace of spades delivered to him. s. 15.

Endeavouring by false accounts or concealment to evade the payment of duties. 20*l*. s. 16.

Officer may enter any place where cards or dice are suspected to be made, sold, or exposed to sale; refusing admission, or molesting an officer in making a search, 20*l*. s. 18.

Cards and dice suspected to be made in any place without license, officer in the daytime, in presence of constable, and authorized by warrant of a justice, may break open doors; and if cards and dice are found, they become forfeited, together with materials and implements. s. 19.

Selling, or exposing to sale, or offering to export any pack containing more than fifty-two cards, or not containing an ace duly stamped, 50*l*.; or if the offender be an unlicensed maker, 10*l*. s. 20.

Licensed maker using, a second time, an ace of spades, wrapper, or label, or offering to sell cards or dice not properly stamped, marked, wrapped, tied, and fastened, 50*l*. s. 21.

Licensed maker or seller having unstamped

cards or dice in possession to forfeit the same, and *5l.* for each pack of cards or pair of dice. s. 22.

Any person having in his possession, or using, or permitting to be used on his premises, any *unstamped cards or dice*, to forfeit *5l.* for each pack or pair of dice. s. 22.

Exposing waste cards to sale, without the corners cut off, or enclosing them in wrappers, 20*l.* s. 24.

Second-hand cards may be sold by any person, if sold without the wrapper or jew of a licensed maker, and in packs containing not more than fifty-two cards, including a stamped ace, and enclosed in a wrapper, with the words outside, *second-hand cards*. Penalty for selling second-hand cards in any other way, 20*l.* s. 25.

Definition of Dice.—All pieces of ivory, bone, or other matter made or used for any game, with any letters, figures, spots, or other marks, to denote any chance, deemed to be dice; and if *more than six chances* be signified on any one piece, then such piece to be chargeable with the full duty for a pair of dice; and if more than the number of chances usually signified by a pair of dice be signified on any such piece, then such piece to be charged with a further duty, in proportion to the number of chances exceeding those signified by a pair of dice. s. 26.

Filing, squaring, or new spotting dice, after being stamped, or having such in possession, 10*l.* for each die. s. 27.

Cards or dice exported contrary to law, or re-

landed after entry for export, may be seized; and selling, using, or knowingly having in possession cards stamped for exportation subjects to a penalty of 20*l.* for each pack. s. 30.

Fraudulently relanding or assisting to reland cards or dice shipped for exportation, 50*l.* s. 31.

No cards to be exported into or used in the Isle of Man, unless stamped for such island, or for use in the United Kingdom, penalty 20*l.* s. 32.

Foreign cards without name of foreign maker, or with any British card maker's name thereon, cannot be warehoused under the Warehousing Act, but may be seized and forfeited. s. 33.

Buyers or sellers of cards and dice, contrary to the act, or persons concerned in the unlawful relanding of cards, informing of *others*, are indemnified against all penalties they had previously incurred. s. 36. Penalties recoverable in Court of Exchequer. Commissioners may stay proceedings, and mitigate penalties, and adjudge such portion of them as they think fit to informer. s. 37.

CHAP. XIV.

CARRIERS.

No carrier, waggoner, carman, or drover shall travel by himself or others on Sunday on pain to forfeit 20*s.* 3 Car. 1, c. 1.

Every common waggoner or carrier shall place on a conspicuous part of his waggon or cart, before he drive the same, his christian and surname at length and place of abode, in large capital letters, on pain to forfeit 20*s*. 21 Geo. 2, c. 28, s. 3.*

The Turnpike Act requires the owner of every waggon, cart, and such like carriage, to paint his christian and surname and abode, at full length, in letters at least two inches in height, and continue the same so painted on the right or off side of the carriage, on pain of forfeiting not exceeding 5*l*. 4 Geo. 4, c. 95, s. 15.

If any person having the care of any waggon, cart, or such like carriage, conveying goods *for hire or sale*, shall not chain or fasten any dog attending him to such waggon, &c. he shall forfeit not exceeding 20*s*. s. 76.

A recent statute limits the *legal responsibility* heretofore imposed on carriers in the conveyance of valuable parcels, by providing that no mail-contractor, stage-coach proprietor, or other common carrier by land for hire, shall be liable for the loss of, or injury to any article or property of the following description:—gold or silver coin of this or any foreign state, or any gold or silver in a manufactured or unmanufactured state, or any precious stones, jewellery, watches, clocks, or timepieces

* The remainder of this statute, as also 3 Wm. & M. c. 12, which empowered justices to settle the rates of carriage, are repealed by 7 & 8 Geo. 4, c. 39.

trinkets, bills, bankers' notes, securities for payment of money, English or foreign, stamps, maps, writings, title-deeds, paintings, engravings, pictures, gold or silver plate or plated articles, glass, china, silks, furs, lace, or any of them contained in any parcel which shall either have been delivered to be carried for hire, or to accompany any passenger in any mail or stage coach or other public conveyance, when the value of the property exceeds TEN POUNDS, unless the value and nature of the property be declared at the receiving office, and an additional charge for conveyance be accepted. 1 Wm. 4, c. 68, s. 1.

A notice of the increased rate of charge for the conveyance of valuable parcels must be affixed in legible characters in some public and conspicuous part of the office or receiving-house, and parties sending parcels of the description mentioned are bound by such notice, without further proof of the same having come to their knowledge. Carriers not giving receipts, if demanded, of the increased rate required for the insurance of packets, or not affixing the notice, are excluded from the benefit of the statute: such receipts are not liable to the stamp duty. ss. 2, 3.

The publication of the notice does not limit the liability imposed by the common law, in respect of other goods than those mentioned, conveyed by carriers; neither does the act affect any special contract made between carriers and parties for the conveyance of goods. s. 4.

In case of loss the carrier is liable only to such damages as are proved by the ordinary legal evidence, not exceeding the declared value. s. 9.

CHAP. XV.

CHIMNEY-SWEEPERS.

Churchwardens and overseers, with the consent in writing of two or more justices, may bind any boy of eight years of age and upwards, who is, or whose parents are chargeable to the parish, or who shall beg for alms, or with parent's consent, to be apprenticed* to a chimney-sweeper till he attain the age of sixteen years. An indenture of apprenticeship of a boy under eight years old is void, and the person keeping or employing him shall forfeit not exceeding 10*l.* nor less than 5*l.* 28 Geo. 3, c. 48, ss. 1—3.

No chimney-sweeper to keep more than six apprentices at one time, and his name and abode to be marked on a brass plate affixed on the front of a leather cap, provided for and worn by the apprentice when out on duty; penalty not exceeding 10*l.* nor less than 5*l.* for every apprentice above six, or for neglecting to provide such cap and brass plate so marked. s. 7.

Master ill-treating his apprentice, or breaking any

covenant in the indenture, to forfeit not less than *5l.* nor exceeding 10*l.* s. 8.

Apprentice not to be *lent* or *hired* out by the day or otherwise to sweep chimneys, nor to call the streets before seven A. M. or after twelve at noon between Michaelmas and Lady-day, or before five P. M. or after twelve at noon between Lady-day and Michaelmas; penalty on master not less than *5l.* nor exceeding 10*l.* s. 9.

CHAP. XVI.

CHURCHWARDENS AND OVERSEERS.

I. POOR-LAWS.

In places where no overseers are nominated, every justice within the division, and every mayor, alderman, and head officer, where such default happen, shall forfeit *5l.* towards the relief of the poor, to be levied on their goods by warrant from the sessions of the county or town corporate. 43 Eliz. c. 2, s. 10.

Incorporated Parishes.—Where guardians of the poor are appointed, orders of removal or notices which by mistake are given to the churchwarden or overseer are valid, as if given to the guardian; and churchwarden or overseer neglecting to deliver the

same to the guardian to forfeit 40*s*. 22 Geo. 3, c. 83, s. 7.

Churchwarden or overseer having the custody of the poor-books neglecting to produce the same within four days, on the request of the person nominated in the schedule for uniting parishes, to enable them to ascertain expenses relative to the poor, to forfeit 5*l*. s. 25.

If the guardian shall not attend each monthly meeting, or if prevented by sickness or accident, not send some substantial inhabitant in his place to attend and answer payments for him, he shall forfeit not less than 40*s*. nor exceeding 5*l*. s. 2.

Guardians not prosecuting idle and disorderly persons, who are able but unwilling to maintain their families, within ten days after complaint of the same, to forfeit not less than 20*s*. nor exceeding 5*l*. s. 31.

A guardian under this act neglecting or refusing to obey an order of justice to relieve or find employment for a pauper, to forfeit 5*l*. s. 35.

When a guardian or other person shall entice or remove any poor person from one parish to another, without an order of removal from two justices, he shall forfeit not less than 5*l*. nor exceeding 20*l*. s. 41.

If a visiter, guardian, or governor furnish articles or do any work in the way of his trade, for the parish in which he is appointed, or is connected with any person so interested, he shall forfeit not less than 5*l*. nor exceeding 20*l*. s. 42.

Rates and Accounts.—Churchwardens and overseers to give public notice in the church of every rate for the relief of the poor, allowed by the justices, the next Sunday after the same is allowed; no rate valid to collect the same unless such notice be given. They must also permit the inhabitants to inspect such rate, paying 1*s*., and upon command give copies of the same, paying 6*d*. for every twenty-four names. Refusing an inspection or copy of rates 20*l*. 17 Geo. 2, c. 3, ss. 1—3.

Churchwardens and overseers, within ten days after nomination, shall deliver to their successors their accounts, and all monies, goods, and things appertaining to their office, such accounts to be verified before a justice, who shall sign and attest the same. 17 Geo. 2, c. 38, s. 1. By 50 Geo. 3, c. 49, s. 1, such account must be submitted to two or more county justices in petty session within the fourteen days; and such justices may disallow any charges they think unfounded, and reduce such as appear exorbitant. Refusing to submit such accounts, to verify them on oath, or to deliver up monies and goods, subjects to imprisonment and distress for arrears. But officers may appeal to quarter sessions against any disallowance or reduction of their charges. s. 2.

Churchwardens and overseers to enter in a book all rates made for the relief of the poor within fourteen days after all appeals from such rates are determined, and attest the same by subscribing their names; such books to be preserved for the inspec-

tion of the rate-payers, and to be produced at quarter sessions when appeals are to be heard. Penalty for neglect not less than 20*s*. nor exceeding 5*l*. 17 Geo. 3, c. 38, ss. 13, 14.

Relief and Contracts.—The 3 Wm. & Mary, c. 11, requires that a book shall be kept in every parish, in which shall be registered the name of every person receiving relief, the time when relief was first granted, and the occasion thereof: parish officers charging in their accounts monies granted to persons unregistered in such book (except on sudden emergencies) to forfeit 5*l*. s. 2.

Contracts made by churchwarden and overseer for the supply of the parish are void, unless entered into with persons resident in the parish, and unless one or more responsible householders, resident within the parish, to be approved by churchwarden and overseer, will be security for the due execution of the contract, and unless such contracts are signed and approved by two justices of the county. 45 Geo. 3, c. 54, ss. 1, 2.

No churchwarden or overseer of the poor, nor any other person employed in the collection of the rates or management of the poor, shall, either in his own or another's name, supply for his own profit any goods, materials, or provisions for the use of any workhouse, or otherwise for the use of the poor of the parish for which he is appointed, under pain of 100*l*. to be recovered with costs by any person who will sue for the same. But churchwardens and overseers will not be liable to penalty, provided no other person can be found in the parish

competent and willing to contract. Notices of contracts must be affixed on the church door, or advertised in a local newspaper seven days previously. 55 Geo. 3, c. 137, ss. 6, 7.

Contractors for the maintenance of the poor become liable to the same penalties as overseers, in all matters connected with the execution of their contracts and neglect of the orders of justices. 50 Geo. 3, c. 50, s. 2.

Churchwardens or overseers making payments to the poor in *base* or *counterfeit* coin, or other than the lawful money of Great Britain, shall forfeit not less than 10*s*. nor exceeding 20*s*., to be recovered in a summary way before a justice of the county or place. 9 Geo. 3, c. 37, s. 7.

Parish Vestries.—Under the act for better regulating vestries, one-fifth of the rate-payers, or any number amounting to fifty, may between Dec. 1st and March 1st, deliver a requisition, with names and abodes to one or more of the churchwardens, requiring them to call a meeting to ascertain whether a majority of the rate-payers are favourable to the adoption of the act. Upon receipt of the requisition, and first Sunday after, public notice to be given on the door of every church or chapel of the establishment, specifying a place and day, not earlier than ten, nor later than twenty-one days, for the rate-payers to signify, by their votes, for or against the adoption of the act; the votes to be taken on three successive days, between the hours of eight in the morning and four in the afternoon. A *majo-*

rity of the rate-payers must vote, and two-thirds of them voting in favour of the act, it is to be declared adopted. Churchwarden, rate-collector, overseer, or other parish officer, refusing to call meetings, or neglecting to make the declarations and deliver the notices required by the act, or to receive the vote of any rate-payer, or in any manner alter, falsify, conceal, or suppress any vote, such churchwarden, &c., is guilty of a misdemeanor. 1 & 2 Wm. 4, c. 60, ss. 1—11.

Upon the election of vestrymen, under the act, *inspectors of votes*, to be chosen, four by churchwardens and four by parishioners. Inspectors to examine votes, and declare the results of the election, within four days; in case of equality of votes, inspectors to decide by lot upon the persons chosen. *Falsifying* voting lists, or any way obstructing the election, subjects to a penalty of not less than 10*l*., nor exceeding 50*l*. Wilfully making an incorrect return of votes, subjects an inspector to penalty of not less than 25*l*. nor exceeding 50*l*. ss. 19, 21.

General Penalties.—The father and grandfather, and mother and grandmother, and the children of every poor, old, blind, lame, and impotent person, or other poor person, not able to work, being of sufficient ability, shall at their own charge maintain such poor person at such rate as the justices at quarter sessions shall assess, on pain to forfeit 20*s*. for every month. 43 Eliz. c. 2, s. 7.

Such order, on relation, may be made by two justices at petty sessions. 59 Geo. 3, c. 12, s. 26.

Overseer, or other person having the management of the poor, may cause the chattels, furniture, provisions, and other articles belonging to the parish to be branded with the word "*workhouse*," and any person buying, taking in exchange or pawn any such chattel, &c., or defacing the parish mark, shall forfeit not less than 20*s*., nor exceeding 5*l*., half to the informer, half to the poor. 55 Geo. 3, c. 137, s. 2.

II. HUMAN BODIES CAST ON SHORE.

Churchwardens, in any parish in England, in which any dead human body is cast on shore from the sea by wreck or otherwise, shall, upon notice thereof, cause the same to be decently interred in the parish churchyard or burial-ground, so that the expenses do not exceed the sum allowed for the burial of poor persons; in extra-parochial places notice must be given to constable or headborough. 48 Geo. 3, c. 75, s. 1.

Funeral rites to be performed, and the like burial fees paid as in the case of paupers. s. 2.

Persons finding any such body on shore, giving notice within six hours after to parish officers, to be entitled to 5*s*. reward; but neglecting to give such notice within six hours to forfeit 5*l*. ss. 3, 4.

One justice for the county or place where such bodies are buried may, by order in writing on the treasurer of the county, direct him to reimburse the parish officers the expenses they have incurred in the execution of the act. s. 6.

Every churchwarden or constable neglecting to

remove such bodies from the sea-shore, prior to interment, for twelve hours after notice given or left in writing at his abode, or to perform the other duties required of him, shall forfeit for each offence 5*l*. s. 9.

III. PENALTIES UNDER JURY ACT.

Churchwardens and overseers, on receipt of the printed form from the high constable, are required to make out alphabetical lists before the 1st of September in each year, of all men residing in their respective parishes and townships qualified to serve on juries, setting forth at length the Christian and surnames, place of abode, title, profession, or business, and description of the qualification of each individual. Copies of these lists on the three first Sundays in September are to be affixed on the principal door of every church, chapel, and other place of public religious worship, with a notice subjoined, that all appeals will be heard at the petty session, to be held within the last seven days of September, mentioning the day and place of holding such session. For the purpose of completing the jury lists, churchwardens and overseers may, between July 1st and October 1st, on application to the collector, assessor of taxes, or other officer, inspect any duplicate or assessment, and thence take the jurors' names. The lists so prepared are then copied by the clerk of the peace into the *Jurors' Book*, which is delivered to the sheriff. 6 Geo. 4, c. 50, ss. 4—12.

If any churchwarden or overseer refuse or neglect (unless prevented by sickness) to assist in making

out the jury list, so that it is not made out in the time and manner specified; or wilfully omit out of such list any man whose name ought to be inserted, or insert the name of any who ought to be omitted, or take any money or other reward for omitting or inserting any man, or wilfully insert a wrong description of the name, abode, title, quality, business, or qualification of any man; or refuse or neglect, in case the number of forms of returns delivered by the high constable be insufficient, to apply for a sufficient number; or refuse or neglect to fix a copy of the jury list duly signed, or to subjoin thereto a notice of the time and place of appeal on the principal door of church or chapel on any of the three Sundays on which it ought to be affixed; or refuse to allow any inhabitant to inspect such list, or a true copy thereof *gratis*, at any reasonable time during the three weeks aforesaid; or on due notice refuse or neglect to produce the jury list at petty session, or answer on oath such questions touching the same as shall be there put, or attend at such petty session or adjournment thereof; or refuse to allow the petty session to inspect or make extracts from the poor-rate book: in any of these cases the churchwarden or overseer offending, shall forfeit not less than 2*l.*, nor exceeding 10*l.* s. 45.

Person duly summoned to serve on any kind of jury, not answering to his name when thrice called, may be fined at the discretion of the court; so may any talesman, who after being present, shall not ap-

pear, or after appearance wilfully withdraw himself. s. 33.

Persons summoned to serve upon any inquest or inquiry before any sheriff or coroner, not appearing after being three times called, may be fined any sum not exceeding *5l.* s. 53.

Persons summoned to serve on any superior court of record holden within the city of London, not answering when called, may be fined any sum not less than 20*s.*, nor exceeding 40*s.* s. 54.

IV. PENALTIES UNDER THE REFORM ACT.

On the 20th of June in every year overseers of the poor are required to give public notice to all persons qualified to vote for *knights of the shire*, and not yet registered, to send in their claims on or before the 20th of July; and of the new claimants and those previously registered, prepare an alphabetical list, specifying the christian and surname of each at length, place of abode, and nature of elective qualification. On the two Sundays following the completion of the list, it must be affixed, either in a written or printed form, on the doors of the churches and chapels, and a copy during the two weeks must be kept by the overseer for the inspection of any person, without fee, during all reasonable hours. Opposite to any name on the list the overseer may, if he see cause, write "objected to;" and a separate list of all persons objected to, either by the overseer or any registered voter, must be made out and pub-

lished as before described on the two Sundays next preceding the 15th of September. The list must be transmitted to the high constable on the 29th of August, and by him to the clerk of the peace, who with the overseer are required to attend the courts of revision held between the 15th of September and the 25th of October. 2 Wm. 4, c. 45, ss. 37—41.

Overseers have in a like manner to prepare on or before the last day of July, lists of persons (other than freemen) entitled to vote in *boroughs* for members of parliament, to publish such lists on the two Sundays next after the lists have been made; and to keep during a fortnight copies of such lists for the inspection of any person without fee during seasonable hours. A list of voters objected to must also be prepared and published. ss. 44—47.

If any sheriff, returning officer, barrister, overseer, or other person, wilfully contravene or disobey the provisions of the Reform Act, with respect to any matter required to be done by them, he shall for such offence be liable to be sued in any court of record at Westminster for the penal sum of 500*l.*, and the jury by whom such action is tried may find their verdict for the full sum of 500*l.*, or any less sum, with full costs of suit: but no action can be brought except by a person being an elector, or claiming to be an elector, a candidate, or a member actually returned, or other party aggrieved. s. 70.

V. SUPPRESSION OF DISORDERLY HOUSES.

Two inhabitants of any parish or place, paying

scot and lot, on giving notice to the constable of any person keeping a bawdy-house, gaming-house, or other disorderly house, and entering into securities to prosecute and produce material evidence against the accused, shall, on conviction of the offender, be entitled to 10*l.* each, payable by the overseer. Overseers refusing to pay such 10*l.* and the constable the expenses of prosecution, they shall forfeit double the sum refused to the party aggrieved. 25 Geo. 2, c. 36, s. 2; 58 Geo. 3, c. 70, s. 7.

Any house, room, garden, or other place kept for *public dancing, music*, or other entertainment of the like kind in London, or twenty miles thereof, without a license, is deemed a disorderly house, within 25 Geo. 2, c. 36.

CHAP. XVII.

THE CLERGY.

If a person having one benefice with cure of souls, being of 8*l.* yearly value or above, accept another with cure, the first benefice is void. 21 Hen. 8, c. 13, s. 9.

Penalty 20*l.* for procuring license or dispensation to hold more benefices than so allowed. s. 12. Exemptions in favour of members of H. M. council, chaplains of the nobility, the brothers and sons,

born in wedlock, of temporal lords and knights, doctors and bachelors of divinity, doctors of law, and the king may bestow any number of benefices on his chaplains without their incurring penalty. ss. 13—19.

Judges of the courts of law may each have one chaplain who may be non-resident on his benefice; but such chaplain must repair twice a year to his benefice, and tarry eight days to visit and instruct his cure, on penalty of 40*s*. 33 Hen. 8, c. 28, ss. 1—3.

Simony.—If a person shall for money or profit in his own name, or that of another, take, procure, or accept the next presentation to a benefice with cure, dignity, prebend, or living ecclesiastical, and shall be presented or collated thereto, such presentation and induction are void, and the agreement simoniacal, the presenting lapsing to the king for that turn, and the person so corruptly taking such benefice is disabled to hold the same, and subject to ecclesiastical punishment. 12 Anne, st. 2, c. 12, s. 2.

Disqualified for House of Commons.—No person ordained a priest (in the United Kingdom), or being a minister of the church of Scotland, is eligible to be elected a member of the House of Commons; the election of such person is void, and if any person after his election is ordained a minister of the Scotch church, his election is void, and he incurs a penalty of 500*l*. for every day he sits or votes in the house. Proof of celebration of the divine service in any con-

secrated church or chapel is evidence of the party's ordination or ministry. 41 Geo. 3, c. 63, ss. 1—4.

II. HOLDING FARMS AND TRADING.

No spiritual person having any dignity, prebend, canonry, benefice, stipendiary curacy, or lectureship, shall take to farm for occupation by himself, by any grant, or for any term, any lands exceeding in the whole eighty acres for the purpose of cultivating the same without the special consent in writing of the bishop of his diocese; and such permission to specify the number of years, not exceeding seven, for which consent is given. Penalty for taking more than eighty acres without permission 40*l.* per acre above that number for every year occupied, to be recovered by and to the use of the party prosecuting. 57 Geo. 3, c. 99, s. 2.

No spiritual person by himself or another to his use shall engage in or carry on any trade or dealing *for gain*, or deal in merchandise by buying or selling for profit in any fair or market on pain of forfeiting the value bought or sold, half to H. M. and half to informer. s. 3. Penalty for trading does not extend to acting as schoolmaster or tutor buying or doing any act in relation to such employment; nor to buying goods for his own use, or selling such as are superfluous; nor to buying or selling again for profit, cattle, corn, or other things necessary to the due cultivation of the glebe, demesne, or other possession which a clergyman may lawfully hold. s. 44.

III. NON-RESIDENCE AND LICENSE.

Beneficed clergyman, without license or exemption, wilfully absenting himself from his benefice for three months together, or to be accounted at several times in *one year*, and abiding elsewhere than at some other benefice, shall, when his absence exceeds three months and not six months, forfeit one-third of the annual value of his benefice; when such absence exceeds six months but not eight, he shall forfeit one-half value; absence exceeding eight months, two-thirds, and the whole year three-fourths of the value of benefice to be recovered by action of debt. 57 Geo. 3, c. 99, ss. 5, 6.

Exemptions.—Provided there is no house of residence, and clergyman has resided nine months of the year within two miles of the church or chapel of his benefice, he is exempt from penalty. s. 6. Bishop may allow house of residence out of limits of benefice. s. 9.

Officers of the universities, privileged chaplains, provost, and fellows of Eton and Westminster colleges and some others, exempt from residence. s. 10.

Persons having houses of residence and not residing, to keep such houses in good repair; neglecting so to do on monition from the bishop, subjects them to penalties of non-residences. s. 14.

Bishop may grant license of non-residence on account of illness of incumbent, wife or child, unfitness of residence house, incumbent occupying some other mansion in the parish, and keeping residence house in repair; where benefice is of small value,

and incumbent is stipendiary curate elsewhere; when he is master or usher of endowed school, or holding any endowed lectureship, chapelry, or preachership; chaplain of H. M.'s garrisons, to one of the military academies at Sandhurst or Woolwich, the hospitals at Greenwich or Chelsea, or librarian of Sion College, or of the British Museum. In any other case bishop may grant license for non-residence and fix salary of stipendiary curate. ss. 15, 16.

Bishop may revoke license, and registrar neglecting to enter such revocation to forfeit 5*l.* ss. 20, 21.

Return of Non-residents.—Bishops to make annual returns to H. M. in council of residents and non-residents and curates in their dioceses, and whether value of benefice exceeds 300*l.* per annum or not, the amount of curate's stipend, and place of residence.

Non-residents exempt from taking out license, to notify to bishop in their own handwriting within six weeks after Jan. 1st in each year the cause of their exemption, under penalty of 20*l.* s. 23.

If a beneficed clergyman does not sufficiently reside, the bishop may issue a monition to him to reside on his benefice; a return to such monition on oath, taken before a surrogate, or magistrate, must be made within thirty days, when the bishop may issue an order to reside within thirty days; and in case of non-compliance, the profits of the benefice to be sequestrated. ss. 26, 27.

Penalties in certain cases for non-residence may be remitted by bishop. ss. 29, 30.

If a benefice continue for two years sequestrated

for disobedience to a monition, or incur three sequestrations in two years, the benefice not resided on becom● void, and the bishop shall give notice to the patron to present another. s. 31.

All contracts for letting the house of residence, or buildings, garden, orchards, or appurtenances belonging to any benefice, in which house any spiritual person or curate is required by order of the bishop to reside, are void, on serving such order on the occupier; continuing to hold the premises●after receipt of order, subjects tenant to a penalty of 40*s.* per diem; and with warrant from a justice, possession may be taken any time in the day *by force*, if necessary, without other proceedings by ejectment or otherwise. s. 32.

Church Service.—Bishop may enforce the performance of the morning and evening service on Sundays, or other service required by law in any parish church, chapel, or extra-parochial church by monition and sequestration, as in case of non-residence before mentioned. s. 51.

IV. CURATES' SALARIES.

Bishop may appoint curates for non-resident incumbents and fix their stipends: all contracts between incumbents and their curates, whereby any curate in any manner binds himself to accept, or be content with less than the salary expressed in his license, are void at law; and the curate or his representative may recover with *treble costs*, the remains of his salary unpaid. 57 Geo. 3, c. 99, ss. 53—65.

Where a curate's salary equals the gross annual value of the benefice he serves, and he occupies in obedience to the bishop the house of residence, the bishop at any time, on three months' notice, may direct the curate to give up such residence; in case of refusal he shall forfeit to the incumbent 40*s*. per *diem* for every day of wrongful possession. s. 66.

No curate to quit any benefice to which he is licensed without three months' notice of his intention given to the person holding the benefice and the bishop, unless with consent of the latter, on pain to forfeit not exceeding six months' salary to the incumbent. s. 68.

A copy of the grant or revocation of a curate's license to be entered in the registry of the diocese, and an alphabetical list of licenses to be made out and kept for public inspection on the payment of 3*s*.; a copy of grant or revocation of license to be transmitted to the churchwarden of the parish, and deposited in the parish chest: registrar neglecting to make such entry or transmit such copy, to forfeit 5*l*. for every offence; 10*s*. to be paid registrar for copy, and allowed in churchwarden's accounts. s. 70.

Bishops holding benefices not liable to penalties for non-residence, provided they appoint resident curates. s. 82.

Benefice in this act means benefice *with cure*, and comprehends donatives, perpetual curacies, and parochial chapelries. s. 72.

V. PARISH REGISTERS.

Every person in holy orders in their parishes and places to keep a register in writing of every person *named, christened, born, or buried,* in the common burying-ground, and all persons concerned to have free access thereto without fee. Penalty on ministers who do not keep a true register 100*l.* recoverable with costs, half to H. M., half to the party suing. 6 & 7 Wm. 3, c. 6, s. 24.

Several other acts have been passed for enforcing registration, but the latest, and that which now inefficiently regulates parish registers, is the 52d Geo. 3, c. 146.

It directs officiating ministers to keep registers of public and private baptisms, of marriages and burials solemnized according to the rites of the church of England. King's printer to transmit to each parish a printed copy and register proportioned to the population. Registers to be kept in separate books, and signed within seven days after the performance of each ceremony. Register books to be kept by minister in an iron chest provided at the parochial expense, and whence they are not to be removed. Annual copies to be made, signed, and verified by the minister, and attested by the churchwarden. Such copies to be yearly transmitted to the registrars of each diocese by the churchwarden, and registrar to report yearly thereon to the bishop. In case of neglect by minister to sign and verify, churchwardens to certify his default to the registrar who is

to report thereon to the bishop. Annual copies transmitted to registrar to be safely deposited and carefully arranged for reference. Registrars to cause alphabetical lists of all persons and places to be made and kept open for search. Persons making false entries, or wilfully defacing or destroying register books to be *transported for fourteen years*; half the penalties under the act to go to the informer and the remainder to the poor, or to some such charitable purpose as the bishop may appoint. ss. 1—18.

As the only penalty imposed by the act is *fourteen years' transportation*, it is not extraordinary that few have been found to aid the efficiency of this defective statute by becoming candidates for a moiety of so unenviable a punishment.

CHAP. XVIII.

CLOCK AND WATCH MAKERS.

If any person employed in the trade of clock or watch making, or any branch thereof, or to clean, repair, or finish the whole or any part thereof, shall embezzle, pawn, exchange, or otherwise unlawfully dispose of the same, he shall for the first offence forfeit 20*l.*; for a subsequent offence 30*l.*; or in failure of payment be imprisoned and publicly whipped. The like punishment on any one who

buys, receives, takes in pawn or exchange any clock or watch, or part thereof, knowing the same to have been embezzled or purloined. 27 Geo. 2, c. 7, ss. 1, 2.

Clocks and watches may be imported on the payment of 25*l.* per 100*l.* on the value. 3 & 4 Wm. 4, c. 56.

But the importation is prohibited, under pain of forfeiture of clocks and watches of any metal impressed with any mark or stamp appearing to be or to represent any legal *British* assay mark or stamp, or purporting by any mark or appearance to be of the manufacture of the United Kingdom, or not having the name and abode of some foreign maker abroad visible on the frame, and also on the face, or not being in a complete state, with all the parts properly fixed in the case. 3 & 4 Wm. 4, c. 52, s. 58.

And the export is prohibited under pain of forfeiture of any outward or inward box, case, or dial-plate of any metal, without the movement in, or with every such box, case, or dial-plate made up fit for use with the clock or watch maker's name engraven thereon. s. 104.

Clocks and watches for *private use*, though not marked agreeably to the regulations specified, may be imported on payment of the duty, on the parties making affidavit of their entire ignorance of the custom law.—*Treasury Order*, dated September 4th, 1828.

CHAP. XIX.

CONSTABLES.

During hay and corn harvest any justice and constable may, if needful to prevent loss, require every person fit to labour in the discretion of justice, to serve by the day in mowing, reaping, and getting in the crops, on pain of two days' and one night's imprisonment in the stocks by the constable: and constable not doing his duty herein to forfeit 40*s*. 5 Eliz. c. 4, s. 22.

A constable arresting an offender in a stranger county on an endorsed warrant, and the endorsing justice taking bail for the offender's appearance, the constable is bound to deliver the recognizance and examination of the prisoner to the clerk of the assizes or sessions, under penalty of 10*l*. 24 Geo. 2, c. 55.

On complaint at any special or petty sessions, on oath, of any neglect of duty or disobedience of any lawful warrant or order of any justices, by a constable, overseer, or other peace or parish officer; or on complaint of ill treatment of any apprentice, whose premium has not exceeded 10*l*., by his master or mistress, two justices may impose on conviction of such constable, overseer, master, or mistress, a fine not exceeding 40*s*. 33 Geo. 3, c. 55, s. 1.

Constable neglecting his duty in the apprehension and security of offenders under the Vagrant Act, or persons hindering or molesting a constable in the discharge of his duty, under this act, subjects, in either case, to a penalty of *5l.* 5 Geo. 4, c. 83, s. 11.

A constable is bound to assist landlords in distraining for rent, under authority of a justice's warrant; and, in company with such landlords, may break open and enter houses and places to search for goods suspected to be concealed to avoid a distress. 11 Geo. 2, c. 19, s. 7. Failure of duty in this case would subject constable to the penalty of 40*s.*, under 33 Geo. 3, c. 55.

Assaulting a constable, headborough, or officer, with intent to obstruct the arrest or detention of a person charged with felony, subjects to confinement to hard labour for two years; and rescuing a felon, or assisting so to do, from the custody of a constable, &c. subjects to transportation. 1 & 2 Geo. 4, c. 88, ss. 1, 2.

Assaulting, or inciting others to assault or resist a constable belonging to the metropolitan police, in the execution of his duty, subjects to a fine not exceeding *5l.* 10 Geo. 4, c. 88, ss. 1, 2.

Justices, mayors, constables, and all persons in the service of H. M. are required to assist officers of the excise in the execution of their duty. Constable or other peace officer on notice or request not going with an officer of excise when his presence is re-

quired to forfeit 20*l*. 7 & 8 Geo. 4, c. 53, ss. 35, 36.

A like penalty inflicted on constable for not assisting, either on his own view, or on notice in the execution of the Distiller's Act. 6 Geo. 4, c. 80, s. 144.

If a constable, headborough, or tithing-man refuse or neglect to put in force the General Turnpike Act, or account for any penalty under the act, for the space of one week after an offence to his knowledge has been committed, he shall forfeit 5*l*. 3 Geo. 4, c. 126, s. 136.

Constables are no longer required to make presentments at any petty sessions, or general or quarter sessions of the peace, of popish recusants, retailers of brandy, forestallers, and engrossers; false weights, highways and bridges; riots, rogues, and disorderly houses. 7 & 8 Geo. 4, c. 38.

Special Constables.—Two or more justices in all cases of felony or disturbance, or on the apprehension of such, are authorized to appoint any number of housekeepers and others to act as special constables for the maintenance of the peace. Refusing to serve, or to take the oath, or disobeying any lawful order and direction for the better discharge of the duties of the office, subjects to a penalty not exceeding 5*l*. Refusing or omitting to deliver up the staff or other articles provided, within one week after the expiration of the office, subject to a penalty not exceeding 40*s*. 1 & 2 Wm. 4, c. 41.

CHAP. XX.

COOPERS.

No brewer of beer for sale to occupy himself in the craft of coopers, nor make any barrels or other vessels to put his beer and ale in for sale, but the same must be made and marked by coopers. Penalty 3*s*. 4*d*. for each vessel. 23 Hen. 8, c. 4.

Coopers to make vessels of well-seasoned timber, and mark the contents thereon; and brewers not to sell beer in any barrels other than such as have been so made and marked. ss. 2, 3.

The wardens of the coopers in London, taking an officer of the mayor, to search and gauge all barrels and vessels for *beer, ale, and soap*, for sale within London and two miles thereof, and mark them with *St. Anthony's cross;* and have for their fee for each vessel *one farthing*. s. 7.

Owner of vessels not having their full contents, to forfeit 1*s*. for each, half to H. M., half to the party suing. s. 8.

In other cities and towns, where no such wardens exist, their duties to be discharged by the mayor, sheriff, or head officer, in like manner as the wardens in London. s. 9.

Brewers may keep one or two coopers to hoop

and mend their barrels exempt from penalty, ss. 11, 12.

Lessening the contents of any barrel by taking out the head or stave, penalty 3*s*. 4*d*. and the barrel to be burnt. s. 11.

Coopers to make their vessels according to the standard, and put on them their own marks. Penalty for omission in either case 3*s*. 4*d*. ss. 11—13.

CHAP. XXI.

COPYRIGHT.

The term of copyright in an author and his assignees by instrument in writing (*Power* v. *Moore*, 3 *M.* & *S.* 7) extends to twenty-eight years absolutely, and for the life of the author if he survive that period; whoever violates the author's copyright in his book by importing, reprinting, selling, or having it in possession for sale, is liable to a special action on the case with double costs, and forfeiture of the pirated edition to the owner of the copyright, as well as a penalty of 3*d*. per sheet; one moiety to H. M. and the other to the informer. 54 Geo. 3, c. 156, s. 4.

Neglect to enter a work at Stationers' Hall does not affect the copyright, but deprives the plaintiff of the penalty of 3*d*. per sheet. s. 5.

Eleven printed copies of every book, upon paper on which the largest impression is printed, to be delivered, *on demand*, within twelve months after publication, to the warehousekeeper of the Stationers' Company, for the use of the British Museum, Sion College, the Bodleian Library at Oxford, the Public Library at Cambridge, the Library of the Faculty of Advocates at Edinburgh, the Libraries of the Four Universities of Scotland, and Trinity College Library and King's Inn Library, Dublin. Penalty for non-delivery, forfeiture of the value of the books, and *5l.* each copy. No copies of a second edition, without alteration or addition, can be demanded; and, where alterations have been made, the delivery of copies of such alterations are sufficient. ss. 2, 3. Nor is the part of a work published separately demandable by the public bodies mentioned in the act, the words of the act being "the whole of every book and every volume thereof." *The British Museum* v. *Payne*, 4 *Bing.* 540.

The title of every book demandable must be registered at Stationers' Hall within one calendar month after publication, if published within the bills of mortality, or within three months if published in any other part of the United Kingdom under penalty of *5l.* and eleven times the price at which the book is sold or advertised. s. 5.

Any infringement of the perpetual copyright of books vested in the universities of England and Scotland, and the colleges of Eton, Winchester,

and Westminster, subjects them to forfeiture, and a penalty of 1*d*. per sheet. 15 Geo. 3, c. 53, ss. 1—7.

II. PLAY, OPERA, AND FARCE.

The author or his assignee, of any tragedy, comedy, play, opera, farce, or other dramatic piece or entertainment, composed and *not printed* or published, has the sole right of representing, or causing it to be represented at any place of dramatic entertainment in the United Kingdom or British dominions; and the author of any such production printed and published within ten years before the passing of this act (June 9, 1833), or which shall be hereafter printed and published, shall from the passing of this act, or from the time of such publication respectively, until the end of twenty-eight years from the day of such first publication, or, if the author survive at the end of this period, to his death, have the sole right of representation in any place aforesaid: but not to invalidate the conditions of any assignment made by the author prior to the act. Penalty for the violation of the rights of the author not less than 40*s*. for each representation, or to the full amount of the benefit arising from such representation, or the loss sustained by the plaintiff Actions to be commenced within twelve months after commission of offence. 3 Wm. 4, c. 15.

III. IMPORTATION OF BOOKS.

Persons importing, selling, or keeping for sale, any books *first* composed and printed in the United Kingdom, and reprinted elsewhere, are to forfeit the same, and also 10*l.* and double the value; which books may be seized by officers of the customs and excise: but this clause does not extend to books not printed in the United Kingdom within twenty years, or books reprinted abroad, and inserted in larger works; nor to books in Greek or Latin, or in any foreign language printed beyond seas. 41 Geo. 3, c. 107, s. 7; 8 Anne, c. 17, s. 7; 3 & 4 Wm. 4, c. 52, s. 58.*

IV. PRINTS, ENGRAVINGS, AND SCULPTURE.

The property in designs, prints, and engravings, is guaranteed for the term of twenty-eight years from

* The permission to import English works reprinted abroad for *private use* is limited to a *single* copy of each work, brought as a part of a passenger's baggage for the private use of the party himself.—*Treasury Order*, June 29, 1830.—M'Culloch's *Commer. Dict.* p. 136.

To prevent foreign books and maps, the property of individuals, from being charged with duty *more than once*, the proprietor shall, on each importation, subsequent to the original one, make oath that the duties were paid when they were first imported, or that he purchased them in this country in a fair way of trade—that they are the identical books or maps he exported from this kingdom, and that they are now brought back for his private use, and not for sale.—*Customs Order*, Oct. 8, 1818. *Ib.*

the date of the first publication, which date, with the name of the artist, must be inscribed on the plate; any person infringing this right by copying, altering, selling, or exposing to sale, without the written consent of the proprietor, any prints, forfeits the plate and copies, and 5*s*. for every print found in his possession. 8 Geo. 2, c. 13, s. 1; 7 Geo. 3, c. 38.

Persons purchasing the *original* plate of the proprietor, may print therefrom without incurring the penalties. s. 2.

The protection of the act extends to maps, charts, and plans.

By 17 Geo. 3, c. 57, a special action on the case for damages may be brought.

The property in any *sculpture, model, or bust* of the human figure, or any animal, is secured for the term of fourteen years; and if the artist survive that time for fourteen years additional, provided the name of the proprietor and date of first publication be inscribed as in the case of engravings. Penalty, special action on the case for damages, with double costs. 54 Geo. 3, c. 56, ss. 1, 3.

See further on literary property, under the titles of *Newspapers*, *Printers*, and *Paper Manufacturers*.

CHAP. XXII.

CORN LAWS.

The foreign trade in corn is regulated by 9 Geo. 4, c. 60, which allows the import of wheat and other descriptions of corn, grain, meal, and flour, according to the subjoined table of duties, varying with the average price of corn in the home market. All corn or grain, the produce of the United Kingdom, is deemed British corn, for the purposes of the act. ss. 2, 3, 33.

TABLE OF DUTIES.

If imported from any Foreign Country.

	Duty per quarter. £	s.	d.
WHEAT, the average price being, in the British market,			
62s. and under 63s. the quarter	1	4	8
63s. and under 64s. the quarter	1	3	8
64s. and under 65s. the quarter	1	2	8
65s. and under 66s. the quarter	1	1	8
66s. and under 67s. the quarter	1	0	8
67s. and under 68s. the quarter	0	18	8
68s. and under 69s. the quarter	0	16	8
69s. and under 70s. the quarter	0	13	8
70s. and under 71s. the quarter	0	10	8
71s. and under 72s. the quarter	0	6	8
72s. and under 73s. the quarter	0	2	8

	Duty per quarter.		
WHEAT:	£	s.	d.
At or above 73s. the quarter	0	1	0
Under 62s. and not under 61s. the quarter . .	1	5	8
And in respect of each integral shilling, or any part of each integral shilling, by which such price shall be under 61s. such duty shall be increased by one shilling.			
BARLEY, the average price 33s. and under 34s. the quarter	0	12	4
And in respect of every integral shilling by which such price shall be above 33s., such duty shall be decreased by 1s. 6d. until such price shall be 41s.			
BARLEY—Whenever such price shall be at or above 41s. the quarter	0	1	0
——— Whenever such price shall be under 33s. and not under 32s. the duty shall be for every quarter	0	13	10
And in respect of each integral shilling, or any part of each integral shilling, by which such price shall be under 32s. such duty shall be increased by 1s. 6d.			
OATS, the average price 25s. and under 26s. the quarter	0	9	3
And in respect of every integral shilling by by which such price shall be above 25s. such duty shall be decreased by 1s. 6d. until such price shall be 31s.			
——— Whenever such price shall be at or above 31s. the quarter	0	1	0
——— Whenever such price shall be under 25s. and not under 24s. the duty shall be for every quarter	0	10	9
And in respect of each integral shilling, or any part of each integral shilling, by which such			

	Duty per quarter. £ s. d.
price shall be under 24s. such duty shall be increased by 1s. 6d.	
RYE, PEAS, and BEANS, the average price 36s. and under 37s. the quarter	0 15 6
And in respect of every integral shilling by which such price shall be above 36s. such duty shall be decreased by 1s. 6d. until such price be 46s.	
——— Whenever such price shall be at or above 46s. the quarter	0 1 0
——— Whenever such price shall be under 36s. and not under 35s. per quarter . . .	0 16 9
And in respect of each integral shilling, or any part of such integral shilling, by which such price shall be under 35s. such duty shall be increased by 1s. 6d.	
WHEAT-MEAL and FLOUR:	
——— For every barrel, being 196 pounds, a duty equal in amount to the duty payable on 38 gallons of Wheat.	
OATMEAL:	
——— For every quantity of 181 pounds and a half, a duty equal in amount to the duty payable on a quarter of Oats.	
MAIZE or INDIAN CORN, BUCKWHEAT, BEER or BIGG:	
——— For every quarter, a duty equal in amount to the duty payable on a quarter of Barley.	

If the Produce of, and imported from, any British Possessions in North America, or elsewhere out of Europe:—

WHEAT:	
——— For every quarter, until the price of British Wheat shall be 67s. the quarter .	0 5 0

	Duty per quarter. £	s.	d.
WHEAT:			
——— Whenever such price shall be at or above 67*s.* the quarter	0	0	6
BARLEY:			
——— For every quarter, until the price of British Barley shall be 34*s.* the quarter .	0	2	6
——— Whenever such price shall be at or above 34*s.* the quarter	0	0	6
OATS:			
——— For every quarter, until the price of British Oats shall be 25*s.* the quarter . .	0	2	0
——— Whenever such prices shall be at or above 25*s.* the quarter	0	0	6
RYE, PEAS, and BEANS:			
——— For every quarter, until the price of British Rye, or of Peas, or Beans, shall be 41*s.*	0	3	0
——— Whenever such price shall be at or above 41*s.* the quarter	0	0	6
WHEAT-MEAL and FLOUR:			
——— For every barrel, being 196 pounds, a duty equal in amount to the duty payable on 38 gallons and a half of Wheat.			
OATMEAL:			
——— For every quantity of 181 pounds and a half, a duty equal in amount to the duty payable on a quarter of Oats.			
MAIZE or INDIAN CORN, BUCKWHEAT, BEER, or BIGG:			
——— For every quarter, a duty equal in amount to the duty payable on a quarter of Barley.			

Shipping Corn from Colonies.—No corn, grain, meal, or flour to be shipped from any British possession out of Europe, as being the produce of such possession, until the owner or shipper have made, before an officer of customs, a declaration, in writ-

ing, specifying the quantity of each sort, and the place of produce; nor till he have obtained from the officer of customs a certificate of the quantity so shipped. A copy of such declaration and the certificate to be delivered to an officer of customs at the place of importation, before such British colonial corn can be entered for home consumption; and any false statement as to quantity or place of produce subjects to a penalty of 100*l.* and forfeiture of the colonial corn, grain, or flour. s. 4.

Importing Malt and ground Corn.—Not to import into the United Kingdom, for consumption there, any malt; or to import for consumption, into Great Britain, any corn ground, except wheat-meal, wheat-flour, and oatmeal; or to import, for consumption into Ireland, any corn ground: any such article imported to be forfeited. s. 5.

Weekly Returns to be made.—Weekly returns of the purchases and sales of British corn to be made in the following cities and towns:

London.	Hertford.	Chelmsford.
Uxbridge.	Royston.	Colchester.
Rumford.	Sleaford.	Penrith.
Maidstone.	Stamford.	Egremont.
Canterbury.	Spalding.	Appleby.
Dartford.	Derby.	Kirkby in Kendal.
Chichester.	Northampton.	Liverpool.
Guildford.	Leicester.	Ulverston.
Lewes.	Nottingham.	Lancaster.
Rye.	Worcester.	Preston.
Bedford.	Coventry.	Wigan.

Windsor.
Aylesbury.
Ipswich.
Woodbridge.
Sudbury.
Huntingdon.
Hadleigh.
Stowmarket.
Bury St. Edmund's.
Beccles.
Bungay.
Lowestoft.
Cambridge.
Ely.
Wisbeach.
Norwich.
Yarmouth.
Lynn.
Thetford.
Watton.
Diss.
East Dereham.
Harleston.
Holt.
Aylesham.
Fakenham.
North Walsham.
Lincoln.
Gainsborough.
Glanford Bridge.
Lowth.
Boston.
Tavistock.
Kingsbridge.
Truro.
Bodmin.
Reading.
Oxford.
Wakefield.
Warminster.
Birmingham.
Leeds.
Newark.
York.
Bridlington.
Beverley.
Howden.
Sheffield.
Hull.
Whitby.
New Malton.
Durham.
Stockton.
Darlington.
Sunderland.
Barnard Castle.
Walsingham.
Belford.
Hexham.
Newcastle-upon-Tyne.
Morpeth.
Alnwick.
Berwick-upon-Tweed.
Carlisle.
Whitehaven.
Cockermouth.
Blandford.
Bridport.
Dorchester.
Sherbourne.
Warrington.
Manchester.
Bolton.
Chester.
Nantwich.
Middlewich.
Four Lane Ends.
Denbigh.
Wrexham.
Caernarvon.
Haverford West.
Carmarthen.
Cardiff.
Gloucester.
Cirencester.
Tetbury.
Stow-on-the-Wold.
Tewkesbury.
Bristol.
Taunton.
Wells.
Bridgewater.
Frome.
Chard.
Monmouth.
Abergavenny.
Chepstow.
Pont-y-Pool.
Exeter.
Barnstaple.
Plymouth.
Totness.
Basingstoke.
Fareham.
Havant.
Newport.

Launceston.	Shaston.	Ringwood.
Redruth.	Wareham.	Southampton.
Helstone.	Winchester.	Portsmouth.
St. Austel.	Andover.	

Inspectors of corn-returns to be appointed in each of these places; in the city of London, by the lord mayor and aldermen; in the country by the justices at quarter sessions. No miller, maltster, cornfactor, merchant, clerk, or agent, engaged in the corn trade, for six months (in the country twelve months, s. 22) preceding, qualified to be an inspector; and an inspector entering into such occupation to be removed from office and disqualified. ss. 8—22.

Declaration and Returns of Prices.—Every dealer in corn in the city of London, or within five miles of the Royal Exchange, before carrying on business to deliver a declaration in writing to the lord mayor or one of the aldermen in the following words:

A. B. do declare, That the returns to be by me made, conformably to an act passed in the ninth year of the reign of King George the Fourth, intituled [*here set forth the title of this act*] of the quantities and prices of British corn which henceforth shall be by or for me sold or delivered, shall, to the best of my knowledge and belief, contain the whole quantity, and no more, of the corn *bonâ fide* sold and delivered by and for me within the periods to which such returns respectively shall refer, with the prices of such corn, and the names of the buyers respectively, and of the persons for whom such corn shall have been sold by me respectively; and to the best of my judgment, the said returns shall in all respects be conformable to the provisions of the said act.

The declaration to be subscribed by the person making the same, and a certificate to be delivered by

the lord mayor or alderman to the inspector for the city. Every cornfactor to make a weekly return on Wednesday, to the inspector, signed with his name, comprising a statement of the quantities of corn he has sold, the prices, names of buyers, and persons for whom sold. A similar declaration to be made in the cities and towns in the country by dealers in corn; and returns of prices, &c., to be made on the first market-day in every week. ss. 25—27.

Inspector in any of the cities and towns mentioned may, by notice in writing, require any person, buying and selling corn, to make the declaration prescribed by the act. s. 26.

Penalties.—If any person required to make and deliver the declaration shall not deliver the same at the time, and in the form, and to the person directed, he shall forfeit 20*l.* for every calendar month during which he shall neglect to deliver such declaration; and if any person, who is required to make any return to any such inspector, shall not make such return in the form directed he shall forfeit 20*l.* s. 42.

Making any false and fraudulent statement in such return is a misdemeanor. s. 46.

All penalties with costs may be recovered for the use of the person suing before any two justices for the city, town, county, or riding. Justices may mitigate penalties to the extent of two-thirds of the penalty. Witnesses not attending when summoned to forfeit 10*l.* ss. 42—45.

CHAP. XXIII.

CORONER.

If a coroner is remiss and does not make inquest on view of the dead body, and certify the inquisition to the justices of the next gaol-delivery in the county, he shall forfeit 100*l*. to the king. 3 Hen. 7, c. 1, ss. 3—5.

In case of murder or manslaughter, the coroner failing to certify to the justices of gaol-delivery the evidence given, the recognizances of witnesses, together with the indictment, may be fined. 1 & 2 P. and M. c. 13, s. 5.

For every inquisition on view of a body, the coroner is entitled to 20*s*., and 9*d*. per mile for every mile he travels from his place of abode to take such inquisition. For an inquest on a body dying in prison he is entitled to any sum not exceeding 20*s*., which the justices in general or quarter sessions shall order. Besides the 20*s*., a coroner who holds an inquisition on view of a body slain is entitled to a fee of 13*s*. 4*d*. under 3 Hen. 7, c. 1, s. 4, payable out of the goods of the murderer, or if he has no goods, payable by the township of the slayer. Taking greater fees is extortion, which subjects on conviction to forfeiture of office. 25 Geo. 2, c. 29, ss. 1—6.

Every coroner upon an inquisition whereby any person shall be indicted for manslaughter or murder, or as an accessory before the fact to murder, shall put in writing the whole or material part of the evidence given to the jury, and shall have authority to bind the witnesses to prosecute and give evidence at the trial, and every such coroner shall certify and subscribe the same evidence and all such recognizances, and the inquisition taken, and shall deliver the same to the officers of the court in which the trial is to be, before or at the opening of the court. 7 Geo. 4, c. 64, s. 4.

Coroners offending in any of the particulars last mentioned may be fined at the discretion of the court. And this extends not only to coroners of counties, but also of all other jurisdictions. ss. 5, 6.

CHAP. XXIV.

CUSTOMS.

The collection and management of the customs of the United Kingdom and of the British possessions abroad are under the control of a board of commissioners, not exceeding thirteen in number. They are appointed during pleasure, by the Crown, and subject in all matters relative to the execution of their duties to the authority and direction of the

lords of the Treasury. Subordinate officers of the customs are appointed by the Treasury, or by the commissioners, under the authority of the Treasury, and receive such salaries and emoluments, and give such securities as the lords of the Treasury appoint. No commissioner, officer, clerk, or other person employed in the collection and management of the revenue of customs is compellable to serve as mayor or sheriff, or in any corporate or parochial or other public office or employment, or to serve on any jury or inquest, or in the militia. The only holidays allowed are *Good Friday*, *Christmas-day*, and the king's birthday, and any day of public fast or thanksgiving. The same holidays are observed by the servants of the several dock companies in the United Kngdom.

Officers of customs taking any fee or reward not allowed, to be dismissed from the public service. Persons giving, offering, or promising any fee or reward to customs officer to forfeit 100*l*. 3 & 4 Wm. 4, c. 51, s. 8.

Officers may demand on passing every entry, 1*s*.; and upon every cocket, if for *British* goods, 1*s*. 6*d*.; if for *foreign* goods or wines or spirits in glass, 2*s*. 6*d*. s. 17.

II. ENTRY INWARDS.

Ships arriving within four leagues of the coast not to land goods or break bulk before report, entry, and warrant obtained. Penalty, forfeiture of goods; and 100*l*. on master of ship if bulk be

broken. Unlading any part of the cargo, throwing it overboard, opening a package, or altering the stowage, deemed a breaking of bulk. But diamonds, bullion, fresh fish of British taking and in British vessels, and turbots and lobsters fresh however taken and imported, may be landed without entry. 3 & 4 Wm. 4, c. 52, s. 2.

No goods to be imported in a British ship without a *manifest*, setting forth the names of the ship and master, the amount of tonnage, and a description of the cargo; penalty for importing without a manifest, or inserting goods in the manifest which are not on board 100*l.* ss. 3—6.

Masters required to produce their manifest to any officer of customs when within four leagues of the coast, and deliver to him, if demanded, a copy thereof, and a second copy may be demanded when within the limits of the port; penalty on refusal 100*l.* s. 7.

Master within twenty-fours of his arrival, and before bulk be broken, to make a report, to the collector or controller of the port, of his cargo, ship's company, registry, and voyage, under pain of 100*l.* s. 8.

Masters of vessels coming from Africa to report how many natives they have taken on board, under pain of 100*l.*, and the master or owner, under pain of 200*l.*, to give bond in 100*l.*, conditioned to indemnify any parish the expense it may incur in the maintenance of such Africans during their stay in this country. s. 9.

Master to deliver manifest to collector, and, if required, bill of lading or copy, and answer questions as to voyage; penalty on refusal 100*l*. s. 11.

Ship to proceed directly to place of unlading, first bringing to at the station appointed for boarding officers, and not to remove without privity of officers, on pain of 100*l*. s. 13.

Places to be specially appointed by commissioners of customs for ships laden with *tobacco;* other ships mooring there, penalty 20*l*. s. 13.

Officers to have free access to all parts of the ship, may open locks, seal or secure goods; goods found concealed forfeited, and breaking any seal or fastening of an officer, penalty 100*l*. s. 14.

King's ships, or ships of a foreign prince, having goods on board, to deliver an account, or forfeit 100*l*. s. 15.

Masters of West India ships, within ten days after arrival, to deliver a list and statement of their crews, or forfeit 50*l*. s. 16.

Entry.—Importers to make perfect entry inwards, and land goods within fourteen days; in default they may be conveyed to the king's warehouses, and if duties and expenses of removal not paid within three months, may be sold. s. 17.

Unauthorized persons making an entry of goods, to forfeit 100*l*. But this penalty not to extend to any person under the direction of the dock companies, or other corporate bodies empowered by law to pass entries. s. 19.

No entry nor warrant for the landing of goods, or

for taking goods out of warehouse valid, unless it agree with manifest, report, and other documents by which the importation of such goods have been authorized, nor unless it agree with description as charged to duty or allowed to be imported or warehoused; and any goods taken out of ship or warehouse, which have not been duly entered, become forfeited. s. 20.

Person, not authorized, making declaration of the number, weight, or measure of goods, to forfeit 100*l*. s. 21.

Goods *undervalued* to evade duty may be detained and sold for the benefit of the crown. s. 22.

Importer not knowing the particulars of his goods, may, on making declaration to that effect to the collector, obtain a warrant for the landing of the same by an entry by bill of sight according to the best description he can give of them; but perfect entry must be made within three days after landing, and duties paid, or goods be taken to the king's warehouse, and if duty and charges be not paid within one month they may be sold; exceptions in favour of East India Company and private trader within limits of the charter. ss. 24—26.

When any package or parcel has been landed by bill of sight, in case of any fraudulent concealment of goods to evade duty, they become forfeited. s. 28.

Foreign goods *derelict*, *jetsam*, *flotsam*, and *wreck*, coming into the United Kingdom, subject to the custom duties, and persons having such in

possession without giving notice within twenty-four hours after to the customs shall forfeit 100*l.* ss. 50, 51.

Forging custom-house stamp on goods, or having goods with counterfeit stamp in possession, penalty 200*l.* s. 55.

Time of Landing Goods.—Except diamonds, bullion, fresh fish of British taking, and imported in British ships, and turbots and lobsters, no goods to be unshipped or landed only on days not being Sundays or holidays, and in the daytime, that is from September 1st, to the last day of March, between sun-rising and sun-setting, and from last day of March to September 1st, between the hours of seven in the morning and four in the afternoon. Goods not to be unshipped or landed, except in the presence or under the authority of an officer, and to be landed only at one of the legal quays or sufferance wharfs. No goods after having been unshipped to be transhipped, or after having been put into any boat or craft to be removed into any other boat previously to their being landed. All expenses of unshipment, landing, weighing, &c., to be defrayed by the importer. 3 & 4 Wm. 4, c. 52, ss. 56, 57.

III. PROHIBITIONS AND RESTRICTIONS INWARDS.

The several sorts of goods enumerated in the subjoined table, are either absolutely prohibited to be imported into the United Kingdom, or can only be imported under the restrictions mentioned in the table.

1. Goods *absolutely prohibited to be imported.*

Arms, ammunition, and utensils of war, by way of merchandise, except by license from H. M., for furnishing H. M.'s public stores only.

Beef, fresh or corned or slightly salted.

Books; *viz.*

——— first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, imported for sale, except books not reprinted in the United Kingdom within twenty years; or being parts of collections, the greater parts of which had been composed or written abroad.

Cattle, great.

Clocks and watches. See p. 91.

Coin; *viz.*

——— false money, or counterfeit sterling.

——— silver of the realm, or any money purporting to be such, not being of the established standard in weight or fineness.

Fish of foreign taking or curing, or in foreign vessels; except turbots and lobsters, stock fish, live eels, anchovies, sturgeon, botargo, and caviare.

Gunpowder; except by license from H. M., such license to be granted for the furnishing H. M.'s stores only.

Lamb.

Malt.

Mutton.

Pork, fresh or corned or slightly salted.

Sheep.

Snuff-work.

Spirits from the Isle of Man.

Swine.

Tobacco stalks stripped from the leaf, whether manufactured or not.

Tobacco stalk flour.

2. GOODS *subject to certain Restrictions on Importation.*

China, goods from, unless by the East India Company, and into the port of London, during the continuance of their exclusive privileges of trade.

East India; goods of places within the limits of the East India Company's charter, unless into such ports as shall be approved of by the Lords of the Treasury, and declared by order in council to be fit and proper for such importation.

Gloves of leather, unless in ships of seventy tons or upwards, and in packages containing one hundred dozen pairs of such gloves.

Hides, skins, horns, or hoofs, or any other part of cattle or beast, H. M. may by order in council prohibit, in order to prevent any contagious distemper.

Parts of articles; *viz.*

——— any distinct or separate part of any article not accompanied by the other part or all the other parts of such article, so as to be complete and perfect, if such article be subject to duty according to the value thereof.

Silk; manufactures of silk, being the manufactures of Europe, unless into the port of London, or into the port of Dublin direct from Bordeaux, or into the port of Dover direct from Calais, and unless in a ship or vessel of seventy tons or upwards, or into the port of Dover in a vessel of the burden of sixty tons at least, with license of commissioners of the customs.

Spirits, not being perfumed or medicinal spirits; *viz.*

——— all spirits, unless in ships of seventy tons or upwards.

——— rum of and from the British plantations, if in casks, unless in casks containing not less than twenty gallons.

——— all other spirits, if in casks, unless in casks containing not less than forty gallons.

Tea; unless from the place of its growth, and by the East India Company, and into the port of London, during the continuance of their exclusive privileges of trade.

Tobacco and snuff; *viz.*

——— unless in a ship of the burden of one hundred and twenty tons or upwards.

——— tobacco of and imported from the state of Colombia, and made up in rolls, unless in packages containing at least 320 lbs. weight of such rolls.

——— segars, unless in packages containing 100 lbs. weight of segars.

——— All other tobacco and snuff, unless in hogsheads, casks, chests, or cases, each of which shall contain of net tobacco or snuff at least 100 lbs. weight if from the East Indies, or 450 lbs. weight if from any other place, and not packed in bags or packages within any such hogshead, cask, chest, or case, nor separated nor divided in any manner whatever, except tobacco of the dominions of the Turkish empire, which may be packed in inward bags or packages, or separated or divided in any manner within the outward package, provided such outward package be a hogshead, cask, chest, or case, and contain 450 lbs. net at least.

——— and unless the particular weight of tobacco or snuff in each hogshead, cask, chest, or case, with the tare of the same, be marked thereon.

——— and unless into the ports of London, Liverpool, Bristol, Lancaster, Cowes, Falmouth, Whitehaven, Hull, Port Glasgow, Greenock, Leith, Newcastle-upon-Tyne, Plymouth, Belfast, Cork, Drogheda, Dublin, Galway, Limerick, Londonderry, Newry, Sligo, Waterford, and Wexford.

——— or into some other port or ports which may hereafter be appointed for such purpose by the Lords Commissioners of H. M.'s Treasury; such appointments in Great Britain being published in the *London Gazette*, and such appointments in Ireland being published in the *Dublin Gazette*.

Tobacco and snuff—but any ship wholly laden with tobacco may come into the ports of Cowes or Falmouth to wait for orders, and there remain fourteen days provided due report of such ship be made by the master with the collector or controller of such port.

And all goods from the Isle of Man, except such as be of the growth, produce, or manufacture thereof.

If any goods be imported into the United Kingdom contrary to the prohibitions or restrictions mentioned in the above table, such goods become forfeited. 3 & 4 Wm. 4, c. 52, s. 53.

But goods of whatsoever sort, may be imported into the United Kingdom to be *warehoused* without payment of duty at the time of the first entry, or notwithstanding that such goods be prohibited to be imported into the United Kingdom to be used, except the following: Goods prohibited on account of the package in which they are contained, or the tonnage of the ship in which they are laden; tea and goods from China in other than British ships, or by other persons than the East India Company during the continuance of their exclusive privileges of trade; gunpowder, arms, ammunition, or utensils of war; dried or salted fish, not being stock fish; infected hides, skins, horns, hoofs, or any other part of any cattle or beast; counterfeit coin or tokens; books first composed or written or printed and published in the United Kingdom, and reprinted in any other country or place; copies of prints first engraved, etched, drawn, or designed in the United Kingdom;

copies of casts of sculptures or models first made in the United Kingdom; clocks or watches, being such as are prohibited to be imported for home use.

IV. ENTRY OUTWARDS.

No goods to be shipped in any port of the United Kingdom, till entry of the ship and entry of goods and cocket be granted; nor any stores for the use of the ship without a victualling bill; and no goods to be shipped or waterborne to be shipped, except at the time and places appointed. Penalty forfeiture of the goods and stores. 3 & 4 Wm. 4, c. 52, s. 61.

Ship departing on voyage without a clearance, master to forfeit 100*l.* s. 62.

Master to deliver certificate of clearance of last voyage, and to make entry outwards, before taking goods on board, under pain of 100*l.* s. 64.

Goods entitled to drawback, or bounty, or an exemption from duty, or subject to restriction on importation, the same to be specified in entry and clearance; and in *ad valorem* goods the value to be declared by exporter or his known agent; unauthorized person making declaration, to forfeit 100*l.* s. 66.

Goods undervalued in declaration may be detained, and, within two days after, sold for the benefit of the crown. s. 67.

Clearance of Goods.—All goods shipped or waterborne to be shipped, not duly cleared, to be forfeited. s. 70.

When three months have been allowed for pro-

duction of shipping-bill, if not produced, penalty 20*l.* s. 73.

If goods subject to duty, restriction, bounty, or drawback on exportation, be brought to any quay or other place, and be found not to agree with indorsement on the cocket or shipping bill, the goods become forfeited; and if goods prohibited to be exported be found in any package, they become forfeited. s. 76.

Officers may board a ship any where within limits of any port of the kingdom, or four leagues of the coast; if goods or stores be found not contained in the endorsement of the cocket or victualling bill they become forfeited; or if in the endorsement and not on board, master to forfeit 20*l.*; or if the cocket be at any time falsified, 100*l.* s. 84.

Drawback.—No drawback allowed unless goods be shipped within three years after payment of duty inwards; no debenture for drawback or bounty allowed two years from shipment; *damaged* or *decayed* goods not entitled to drawback, and, if cleared out for the drawback, become forfeited, and the person who caused such goods to be cleared to forfeit 200*l.* or treble the amount of drawback at the election of commissioners. s. 90.

Licensed waterman only to ship goods cleared for drawback or bounty; and warehoused or debenture goods cleared for foreign ports, and not exported, or if re-landed, or carried to Guernsey, Jersey, Alderney, Sark, or Man (not being cleared for these islands), they become forfeited, together with ship,

and person clearing them to forfeit treble value of the goods. ss. 94, 95.

If any goods prohibited to be exported have been shipped unknown to the officers of customs, the person who shipped such goods to forfeit double the value of the goods. s. 103.

V. PROHIBITIONS OUTWARDS.

The several sorts of goods enumerated in the following table are either absolutely prohibited to be exported, or can only be exported subject to the conditions mentioned in the table.

Clocks and watches, see p. 91.

Lace; *viz.*

——— any metal inferior to silver which shall be spun, mixed, wrought, or set upon silk, or which shall be gilt, or drawn into wire, or flatted into plate, and spun or woven, or wrought into or upon, or mixed with lace, fringe, cord, embroidery, tambour work, or buttons, made in the gold or silver lace manufactory, or set upon silk, or made into bullion spangles, or pearl or any other materials made in gold or silver lace manufactory, or which shall imitate or be meant to imitate such lace, fringe, cord, embroidery, tambour work, or buttons: nor shall any person export any copper, brass, or other metal which shall be silvered or drawn into wire, or flatted into plate, or made into bullion spangles, or pearl or any other materials used in the gold or silver lace manufactory, or in imitation of such lace, fringe, cord, embroidery, tambour work, or buttons, or of any of the materials used in making the same, and which shall hold more or bear a greater proportion than three pennyweights of fine silver to the pound avoirdupois of such copper, brass, or other metals.

——— any metal inferior to silver, whether gilt, silvered,

stained, or coloured, or otherwise, which shall be worked up or mixed with gold or silver in any manufacture of lace, fringe, cord, embroidery, tambour work, or buttons.

Tools and utensils; *viz.*

——— any machine, engine, tool, press, paper, utensil, or instrument used in or proper for the preparing, working, pressing, or finishing of the woollen, cotton, linen, or silk manufactures of this kingdom, or any other goods wherein wool, cotton, linen, or silk is used, or any part of such machines, engines, tools, presses, paper, utensils, or instruments, or any model or plan thereof, or any part thereof, except wool cards or stock cards not worth above four shillings per pair, and spinners' cards not worth above one shilling and sixpence per pair, used in the woollen manufactures.

blocks, plates, engines, tools, or utensils commonly used in or proper for the preparing, working up, or finishing of the calico, cotton, muslin, or linen printing manufactures, or any part of such blocks, plates, engines, tools, or utensils.

——— rollers, either plain, grooved, or of any other form or denomination, of cast iron, wrought iron, or steel, for the rolling of iron or any sort of metals, and frames, beds, pillars, screws, pinions, and each and every implement, tool and utensil thereunto belonging, rollers, slitters, frames, beds, pillars, and screws for slitting mills; presses of all sorts, in iron and steel, or other metals, which are used with a screw exceeding one inch and a half in diameter, or any parts of these several articles, or any model of the before-mentioned utensils, or any part thereof; all sorts of utensils, engines, or machines used in the casting or boring of cannon or any sort of artillery, or any parts thereof, or any models of tools, utensils, engines, or machines used in such casting or boring, or any parts thereof; hand stamps, dog-head stamps, pulley stamps, hammers and anvils for stamps; presses of all sorts called cutting-out presses; beds or punches to be used therewith, either

in parts or pieces, or fitted together; scouring or shading engines, presses for horn buttons, dies for horn buttons; rolled metal with silver thereon, parts of buttons not fitted up into buttons, or in an unfinished state, engines for chasing, stocks for casting buckles, buttons, and rings, die-sinking tools of all sorts, engines for making button-shanks, laps of all sorts, tools for pinching of glass, engines for covering of whips; bars of metal covered with gold or silver, and burnishing stones commonly called blood stones, either in the rough state or finished for use; wire moulds for making paper; wheels of metal, stone, or wood, for cutting, roughing, smoothing, polishing, or engraving glass; porcellas, pincers, sheers, and pipes used in blowing glass; potters' wheels and lathes, for plain, round, and engine turning; tools used by saddlers, harness-makers, and bridle-makers, viz. candle strainers, side strainers, point strainers, creasing irons, screw creasers, wheel irons, seat irons, pricking irons, bolstering irons, clams, and head knives.

——— Frames for making wearing apparel.

3. Goods *which may be prohibited to be exported by Proclamation or Order in Council.*

Arms, ammunition, and gunpowder.

Ashes, pot and pearl.

Military stores and naval stores, and any articles (except copper) which H. M. shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores.

Provisions, or any sort of victual which may be used as food by man.

If any goods be exported, or waterborne to be exported, from the United Kingdom, contrary to any of the prohibitions or restrictions mentioned in the above table, the same become forfeited. 3 & 4 Wm. 4, c. 52, s. 104.

VI. COASTING TRADE.

All trade by sea from any one port of the United Kingdom to another port, or from one port of the Isle of Man to another, deemed *coasting trade*, and all ships employed therein deemed *coasting ships*; no port of the United Kingdom deemed beyond the seas in any matter of trade, navigation, or revenue. 3 & 4 Wm. 4, c. 52, s. 105.

If any coasting ship deviate from voyage by touching at a foreign port, unless forced by unavoidable circumstances, which must be afterwards declared in writing to collector of customs at the port of arrival, or put out goods at sea or over the sea, the master to forfeit 200*l.* s. 107.

Goods brought or to be carried coastwise not to be shipped or unshipped until after notice to collector, under pain of forfeiture. s. 108.

Notice for unlading to be delivered within twenty-four hours after arrival, on penalty of 20*l.* payable by the master. s. 109.

Master of coaster to keep a cargo-book; making false entries of goods therein subjects them to forfeiture. s. 112.

Account of foreign goods, and of goods subject to coast duty or export duty, to be delivered to the collector; if such account be false, or not correspond with cargo-book, master to forfeit 50*l.* s. 113.

VII. GENERAL REGULATIONS.

Falsifying any document for the lading, unlading, entering, reporting, or clearing of a ship, or the landing or shipping of goods, stores, baggage, or article; or making any false statement to procure any entry, warrant, cocket, transire, or other writing, subjects to a penalty of 200*l.* 3 & 4 Wm. 4, c. 52, s. 129.

Making false declaration, or answering questions of officers falsely, subjects to a penalty of 100*l.* over and above any other penalty provided by the act. s. 131.

Ship not bringing to at stations appointed for boarding or landing of officers, master to forfeit 100*l.* s. 135.

Master not providing accommodation for custom-house officer for his bed or hammock to forfeit 100*l.* s. 136.

No ship ordinarily engaged in the carriage of letters to import or export goods under pain of 100*l.* s. 142.

Persons entering and clearing ships, &c., as *agents*, to be licensed by commissioners of customs and give bond in 1000*l.* for incorrupt conduct; acting without license, or being in partnership with an unlicensed person, penalty 100*l.*: but this not to extend to sworn brokers of the city of London, nor to the clerk or servant of any person transacting business at the custom-house for such person without license, provided the clerk or servant does not transact business as agent to any other person. ss. 145, 146.

VIII. PREVENTION OF SMUGGLING.

Vessels not being square-rigged appearing within certain distances of the coast, and having on board spirits otherwise than in casks of forty gallons, or tea exceeding six pounds weight, or tobacco or snuff otherwise than in packages containing 450 pounds; or having on board cordage or other articles adapted to slinging or sinking small casks of the description used by smugglers; then in each of these cases the tea, spirits, tobacco, or snuff, cordage, vessel, and other articles, to be forfeited. 3 & 4 Wm. 4, c. 53, s. 2.

Vessel arriving within any port, having prohibited goods on board, of the description last mentioned, forfeited; unless it appear that it was without the privity or want of care in the master or owner: exception in favour of ships from India or Columbia, or spirits, tobacco, &c., for ship's company. ss. 3, 4.

Throwing overboard any goods during chase by a king's ship, subjects the vessel to forfeiture. s. 5.

Vessel in port with cargo, and afterwards found light or in ballast, and cargo unaccounted for, vessel forfeited. s. 6.

No vessel to hoist any pendant, ensign, or colour usually worn by a king's ship, under pain of 50*l.* and forfeiture of the flag. s. 9.

Vessels or boats used in the removal of run goods forfeited. s. 10.

Boats belonging to any vessel, on pain of forfeiture, to have *painted* thereon, in letters two

inches in length, the name of the vessel, port, and master, s. 11.

Boats *not* belonging to a vessel to have, under same penalty of forfeiture, the name of port and owner painted, s. 12.

Under pain of forfeiture boats used in piloting or fishing to be painted black, and not like preventive boats. s. 13.

British vessels having secret places for concealing, or devices for running goods, and foreign vessels, not square-rigged, having goods in secret places, forfeited. s. 14.

Prohibited goods concealed on board forfeited, and all goods packed therewith. s. 15.

Vessels of certain proportions not being square-rigged, or if armed for resistance, and found within 100 leagues of the coast to be forfeited, unless licensed. s. 16.

Unless *licensed* British vessels, under pain of forfeiture, not to be navigated by more than four men, if of five and not exceeding 30 tons; by five men, if of 30 and not exceeding 60 tons; by six men, if of 60 and not exceeding 80 tons; by seven men, if of 80 and not exceeding 100 tons; above 100 tons, one man for every 15 tons: lugger excepted. s. 17.

Owner of licensed vessel to give bond in 1000*l.* not to engage in smuggling. s. 19.

Employing vessel contrary to tenour of license, or not producing license when demanded by an officer, subjects vessel and cargo to forfeiture. s. 22.

Penalty for counterfeiting or falsifying license, 500*l.* s. 24.

Goods unshipped without payment of duty, or prohibited goods imported, subject to forfeiture, with carriages, horses, &c. employed in their removal. s. 28.

Spirits and tobacco found without permit deemed smuggled. s. 29.

Officer of revenue making collusive seizures, or taking bribes to forfeit 500*l.*; and persons offering bribes to forfeit 200*l.* s. 33.

Search of the Person.—Officer of customs, or any officer of the army, navy, or marines employed for prevention of smuggling, may search any vessel within limits of the port, or any person on board, or who may have landed from such vessel, suspected of smuggling. But before the *person* is searched, an individual may require an officer to take him before a justice or collector, who shall determine whether there is reasonable grounds of suspicion. Penalty for obstructing officer in search of vessel, 100*l.* ss. 34, 35.

Officer misconducting himself by unreasonable suspicions to forfeit 10*l.* s. 36.

Persons denying having uncustomed goods about them, and such goods to be afterwards discovered, to forfeit treble their value. s. 36.

Driver of a cart suspected of being engaged in smuggling refusing to stop, to pay 100*l.* s. 40.

Persons unshipping, harbouring, or having custody

of uncustomed or prohibited goods to forfeit treble value or 100*l.* s. 44.

Persons *insuring* the delivery of uncustomed or prohibited goods, to forfeit 500*l.* s. 46.

Goods offered for sale, under pretence of being run or prohibited, forfeited, and treble value, or 100*l.* s. 47.

Persons found on board any vessel liable to forfeiture for smuggling to pay 100*l.* and may be detained. s. 48.

Persons unshipping, or concerned in the carrying away or concealing spirits or tobacco, to forfeit 100*l.* s. 49.

Persons aiding in the smuggling of tea or manufactured silk to the value of 20*l.* to forfeit treble the value. s. 50.

Making signals to smuggling vessels at sea subjects to penalty of 100*l.* or a year's hard labour. s. 53.

Resisting officers, or rescuing or destroying goods to prevent seizure, penalty 100*l.* s. 56.

Procuring others to assemble to assist in the landing of uncustomed goods, penalty 100*l.* s. 57.

No person, except officers, to take up or meddle with spirits in casks of less then forty gallons, sunk or floating within one hundred leagues of the coast on the sea; penalty forfeiture of the same, and vessel in which found. s. 72.

Persons detained for offences against custom laws may be fined 100*l.*; or if seafaring men, sent into the navy for five years. s. 85.

Firkins of butter, tons of cheese, fish, eggs, salt, fruits, roots, and onions, brought coastwise not to be landed under pain of *forfeiture* in the port of London, till the dues of the city be paid. s. 90.

IX. ENCOURAGEMENT OF BRITISH SHIPPING.

No ship admitted to be *British*, unless registered and navigated by a master who is a British subject, and by a crew whereof *three-fourths* at least are British seamen; if a coaster the *whole* of the crew must be British. Penalty 10*l*. for each foreign seaman employed, unless British seamen cannot be procured in foreign ports, of which proof must be given by certificate. 3 & 4 Wm. 4. c. 54. ss. 12—19.

But British built vessels under fifteen tons burden, wholly owned and navigated by British subjects, although not registered as British vessels, shall be admitted to be British vessels in all navigation in the river and on the coasts of the United Kingdom, or of the British possessions abroad, and not proceeding over sea except within the limits of the respective colonial governments, within which the managing owners reside. Vessels also under thirty tons navigated by British subjects, and not having a whole or fixed deck, and solely employed in the Newfoundland fishery, need not be registered. s. 13.

Master and seamen not deemed *British*, unless natural born subjects or naturalized, or denizens, or subjects by conquest or cession, or by having served on board a king's ship three years in time of war. s. 16.

One British seaman, of a British ship, or one seaman of the country of such ship, if a foreign ship, for every twenty tons of the burden deemed to be duly navigated, although the number of other seamen exceed *one-fourth* of the whole crew. s. 16.

All goods imported, exported, or carried coastwise, contrary to the law of navigation become forfeited, and the master of the ship forfeits 100*l*. s. 22.

X. REGISTERING OF BRITISH VESSELS.

Any vessel exercising the privileges of a British registered ship, without being duly registered, to be forfeited; and may be seized by any officer of customs. 3 & 4 Wm. 4, c. 54, ss. 1—4.

Under pain of losing privileges of a British ship, repairs at a foreign port not to exceed 20*s*. per ton, unless proved to have been unavoidable for the purpose of the voyage. Penalty on the master 20*s*. per ton, for not reporting to the customs such repairs on return to this country. s. 7.

Name of vessel registered never afterwards to be changed, and to be painted on the stern in white or yellow letters, four inches long, upon a black ground, in a legible manner. Penalty on the master beginning to take in a cargo till the name has been so painted, 100*l*. s. 24.

Persons detaining or refusing to deliver up certificate of registry to officers of custom, to forfeit 100*l*. s. 27.

Making false declaration in any matter relative to the registering of vessels, or falsifying any certificate

or other document, or granting such instrument knowing it to be false, subjects to a penalty of 500*l.* s. 45.

XI. WAREHOUSING OF GOODS.

For the encouragement of British shipping, by making certain ports of the kingdom an entrepôt for merchandise, the Lords of the Treasury are empowered to appoint warehousing ports; and the commissioners of customs, under the direction of the treasury, warehouses or places of security in which goods may be deposited without payment of duty, until such time as it suits the owners to remove them, either for exportation or home consumption; the warehouse-keeper or importer giving bond for the payment of the duties on the withdrawal of the goods.

Goods are to be so warehoused as to leave easy access to every package and parcel; if the occupier of the warehouse omit so to stow them he forfeits 5*l.* for every omission, and is liable to pay the duties if he suffer them to be taken away without entry. 3 & 4 Wm. 4, c. 57, s. 10.

Goods fraudulently concealed or removed forfeited, and any importer or proprietor fraudulently getting access to the warehouse, except in presence of the proper officer, to forfeit 500*l.* s. 11.

Goods entered to be warehoused, or re-warehoused, to be carried to warehouse under authority and direction of officer of custom. Goods not so carried to be forfeited. s. 13.

Goods to be cleared either for home use or exportation within three years, ships stores within one; if not cleared to be sold to defray rent and charges. s. 14.

XII. COLONIAL TRADE.

The export and import trade of the British possessions in America, other than with the united kingdom, is restricted to the following "free ports."

Kingston, Savannah Le Mar, Montego Bay, Santa Lucia, Antonio, Saint Ann, Falmouth, Maria, Morant Bay, Annotto Bay, Black River, Rio Bueno, Port Morant	Jamaica.
Saint George	Grenada.
Roseau	Dominica.
Saint John's	Antigua.
San Josef	Trinidad.
Scarborough	Tobago.
Road Harbour	Tortola.
Nassau	New Providence.
Pitt's Town	Crooked Island.
Kingston	Saint Vincent.
Port Saint George and Port Hamilton .	Bermuda.
Any Port where there is a Custom House .	Bahamas.
Bridgetown	Barbadoes.
Saint John's, Saint Andrew's . .	New Brunswick.
Halifax, Pictou . . .	Nova Scotia.
Quebec	Canada.
Saint John's	Newfoundland.
George Town	Demerara.
New Amsterdam . . .	Berbice.
Castries	Saint Lucia.
Basseterre	Saint Kitt's.

Charles Town	. Nevis.
Plymouth . . .	. Montserrat.
Sydney	. Cape Breton.
Charlotte Town . .	. Prince Edward's Island.
Anguilla	. Anguilla.

Goods imported into any other port or place in the said possessions become forfeited. 3 & 4 Wm. 4. c. 59. s. 2.

Importing prohibited goods into the colonies subjects them to forfeiture, and the vessel in which they are imported, if of less burden than ninety tons, is forfeited; s. 9.

Ship and cargo to be reported on arrival; penalty, for false report 100*l*. s. 16.

Penalty for laden ship outwards before entry 50*l*., and for departing without a clearance 100*l*. s. 17.

If goods be entered by bill of right, a perfect entry thereof must be made within three days after landing and the duties paid; otherwise they will be removed to the king's warehouse, and if duties be not paid within one month after landing, they will be sold to defray charges. s. 22.

If the importer within twenty days after arrival of ship do not make entry of the goods, customhouse may land and secure them; and if duties not paid within three months they may be sold. s. 25.

Goods forfeited, if not truly described, in the entry. s. 28.

Officers may board ships hovering on the coast,

and if prohibited goods be found on board, master to forfeit 100*l.* s. 58.

The penalties relative to the warehousing of goods, the obstruction of officers, and the falsifying f ship documents in the colonial trade, are similar to those previously stated in the general trade of the United Kingdom.

For other penalties important to importers, merchants, shipowners, and masters of vessels, see *Passage Vessel, Quarantine,* and *Pilots.*

CHAP. XXV.

CUTLERY.

Persons who make, forge, or manufacture by means of the *hammer*, knives, forks, razors, shears, and other articles of cutlery, edge tools, and hardware, requiring a cutting edge of wrought steel or of iron and steel, may stamp on any part of such cutlery the *figure of a hammer* at any time after the forging and previous to the grinding or polishing, so as to mark that such articles have been formed by the hammer, and not in a mould or otherwise. Stamping cutlery with the mark of a hammer, or any device resembling it, which has been formed in a mould or otherwise than by the hammer, or having in possession, selling, or exposing to sale such cutlery, subjects the same to forfeiture, together

with *5l.* for any quantity not exceeding one dozen, or for any quantity exceeding one dozen, *5l.* for every dozen. 59 Geo. 3, c. 7, ss. 1—3.

No person shall stamp upon any part of cutlery requiring a cutting edge, forged and formed with the hammer of wrought steel, or iron and steel, or cast in a mould, either at the time of forging or casting, or subsequently thereto and previously to the sale, any word which may denote the quality to be otherwise than the real quality, or shall expose to sale or have in possession such falsely-marked cutlery, on pain of forfeiture, together with *5l.* for any quantity not exceeding a dozen articles, and for any quantity exceeding a dozen, *5l.* for every dozen. s. 4.

No person shall stamp on cutlery the word *London* or *London made*, or words of similar import, unless the articles have been made within London or twenty miles thereof; nor shall have such falsely-stamped articles in possession, or expose them to sale on pain of forfeiture of the same, together with 10*l.* for every dozen articles, or for any quantity exceeding a dozen, 10*l.* for every dozen. s. 5.

Exemption from penalties, if offender prove the articles came into his possession prior to March 25, 1819; or if he prove he bought them not knowing they were marked contrary to the act, and discover the person of whom he purchased them. ss. 6, 7.

Appeal against conviction may be made to the next general quarter-sessions. s. 9. Justices may

mitigate penalties. s. 10. Informations must be exhibited within six calender months. s. 15. One-third of the penalties paid to the poor, the remainder to informer. s. 16. Witnesses not attending on summons, or refusing to give evidence, forfeit 10*l*. s. 13.

CHAP. XXVI.

DISTILLERY LAWS.

No person is allowed to keep a still for the purpose of making, distilling, rectifying, or the compounding spirits, without first having obtained a license from the excise; such license continuing in force until the 10th of October following the date thereof. Partners carrying on business in one house or place only, not required to take out more than one license in one year. But no license authorizes any person to use any still or rectify or compound any spirits in any place other than the house or premises specified in the license.

License must be renewed annually after October 10th; distilling without renewing license, subjects to a penalty of 500*l*., and forfeiture of the vessels used and spirits distilled, which may be seized by an officer. Distiller continuing to work when license has been forfeited is subject to like penalties. 6 Geo. 4, c. 80, ss. 1—8.

No person to be licensed, or to make entry of any house or still for making *low wines, wash, or spirits*,* unless he occupy a tenement of 20*l*. per annum, and pay in his own name the parish-rates; nor unless such distillery be within one quarter of a mile of a market-town containing five hundred inhabited houses, except distilleries established and licensed April 5, 1825. Penalties, same as for distilling in an unentered place, 500*l*. s. 9.

Capacity of Stills.—No person to keep a still of less capacity than four hundred gallons; nor if

* It may be convenient at the commencement of this long penal act to explain from the act itself the several denominations of spirits. All spirits distilled or made in the United Kingdom of England, Scotland, and Ireland are deemed *British* spirits; all spirits of the first extraction, drawn by one distillation of wash are called *low wines*; all spirits produced by the re-distillation of low wines, or any further re-distillation, and conveyed into feints receiver, are called *feints*; all other spirits produced by re-distillation, and which have not had any flavour given them, and all liquor mixed with such spirits, are called *plain British spirits*; all other spirits produced by re-distillation, and which have had a *flavour* given them, and all liquors mixed with such spirits, are deemed a British compound, called *British brandy*; other spirits produced by re-distillation, and which have been mixed with juniper berries, caraway seeds, aniseeds, or any other seeds or ingredients, and all liquors mixed with such spirits are called *British compounds*: lastly, all British spirits of the strength of forty-three per cent above proof, as denoted by Sikes's hydrometer, and all spirits of a greater degree of strength, are called *spirits of wine*. 6 Geo. 4, c. 80, s. 101.

he keep any still of less contents than three thousand gallons, to keep more than two wash stills and two low wine stills, on pain of forfeiting 100*l.* for every still kept above the number, and for every time used. s. 10.

Every person having wash fit for distilling, or making low wines, spirits, and feints, deemed a *common distiller.* s. 11.

Distillers not to brew or employ a still between the hours of eleven o'clock on Saturday and one o'clock on the succeeding Monday, on pain of 50*l.* s. 12.

After license granted, and before entry of any utensil, certain chargers and receivers must be erected of the description specified in the act. No distiller to keep more than one wash charger, one spirit receiver, two low wine receivers, two feints receivers, and two low wine and feint chargers. Penalty for greater number, 200*l.* ss. 13—14.

Using any charger, receiver, pipe, or cock, or making any hole therein, except the trap-door on the cover; penalty 200*l.*, and 20*l.* for every day they remain in the distillery. s. 15.

No pipe, conveyance, or opening from any still, except as allowed by the act, on penalty of 200*l.* s. 16.

Distiller to make openings in the breast of the stills not less than two inches in diameter for the officers to take samples from; penalty for omission, or for not maintaining fastenings for securing the

same, or for securing the still heads and furnace doors, or for opening or damaging any lock or fastening, 200*l.* s. 17.

The end of the worm of each still to be enclosed and secured, and the low wines, feints, and spirits running from thence into an enclosed and secured safe, be conveyed directly by a pipe, open to inspection in its whole length, into their respective receivers; penalty for omission, or using any contrivance by which the strength and quality of the spirits distilled cannot be ascertained by the officer, 200*l.* s. 18.

A discharge cock to be fixed to each still to be kept and locked by the officer, and not opened oftener than once in six hours; penalty for omission, or opening, or injuring the cock, 200*l.*: but no discharge cock to be locked by officer where a spent lees receiver is provided according to the act. s. 19.

Distiller to keep a discharge cock or plug in each fermenting wash back to the satisfaction of the supervisor; penalty for omission, or using other conveyance (except close metal pipes for regulating the fermentation of the wash), 200*l.* s. 20.

Such cocks to be used as directed by commissioners of excise, on penalty of 50*l.* s. 21.

All cocks, pumps, fastenings, pipes, &c., to be provided at the cost of the distiller: penalty for distilling without or not providing them and keeping them in repair to satisfaction of officer, 200*l.* s. 23.

Each back and fixed vessel for keeping spirits to have a dipping place to take the gauge; penalty on

any distiller, rectifier, compounder, dealer, and retailer, for not constructing and keeping it as directed, 200*l*. s. 24.

Penalty for altering the dipping place, or using any contrivance by which officer is deceived in taking the gauge, 200*l*. s. 25.

Penalty, if the position or size of any still, vessel, or utensil be altered without two days' notice in writing to the officer, 200*l*. s. 26.

Officer may order water to be drawn off the worm tub for the space of two hours for purpose of examining worm and tub; penalty for refusal, or not cleaning worm tub, 200*l*. s. 28.

True contents to be branded, cut, or painted on every moveable cask, also name of firm and place where stock is kept; penalty for omission, forfeiture of cask and spirits contained. s. 29.

Distiller, rectifier, compounder, dealer, or retailer, to make entry of their places and utensils of trade, and must also paint the name and use thereon of every apartment and utensil, and number them in arithmetical progression. Penalty for neglect 50*l*. ss. 30, 31.

A drawing or description to be given of each pipe, and to be painted in red, white, blue, or black, according to its use, on penalty of 50*l*. s. 32.

Distiller not to enter any utensil to be used for more than one purpose, on penalty of 200*l*. s. 33.

To use any utensil or place without entry; or to use any utensil or place contrary to the entry, sub-

ject to a penalty of 500*l.*, and forfeiture of the utensil, spirits, &c. s. 34.

Houses for rectifying, compounding, or keeping spirits, not to be used within one quarter of a mile in a direct line from a still-house, nor a still-house to be erected within one quarter of a mile of a house for rectifying or compounding spirits, or of another distillery; penalty 500*l.* per week: but the penalty or prohibition does not apply to houses erected April 5, 1825, and from which there is no communication other than by an open carriage-road. s. 35.

No distiller, rectifier, or compounder, to be a maker of beer, sweets, vinegar, cider, or perry, or a refiner of sugar, on penalty of 200*l.* s. 36.

Distillers, rectifiers, and compounders, to affix a *board* over the distillery gate or entrance, not more than three feet from the top, containing their name and business, painted in letters at least three inches long; penalty for omission, or not keeping the description legible, 50*l.* Unlicensed persons using such board, 50*l.* s. 38.

Seizure of Unlicensed Stills.—If an officer suspect any private still or vessel to be kept in any place for making spirits, he may, having first made oath to that effect before the commissioners or a justice, obtain a special warrant for the seizure of the same; and if not claimed by the owner within ten days after, they become forfeited, and the proprietor or person in whose custody found, subject to a penalty of 200*l.* for every such place and still found. Ob-

structing the officer making the seizure, penalty 200*l*. s. 39.

Officers empowered to enter distilleries at all hours by night and by day, and if obstructed, penalty 200*l*. s. 40.

Penalty on not giving admission to officer on declaring his name and business, 200*l*., and officer may break open distillery at any hour; but if in the night it must be in presence of a constable. s. 41.

Distillers, rectifiers, and compounders, to furnish officer with ladder and lights, and render him any assistance he may require for the execution of his duty, on pain of 100*l*. s. 42.

Officer may break up any ground in distillery to search for any private pipe or cock, and cut the same away. s. 43.

Distiller not to distil at the same time spirits from grain, and from sugar, potatoes, or other material; penalty 200*l*. s. 44.

If distiller intend to distil from sugar and potatoes only, six days' notice in writing must be given to the proper officer; using grain or other material than sugar and potatoes after notice, penalty 200*l*. But distiller using sugar or potatoes may commence using grain at the expiration of one calender month on giving six days' notice. Scotch and Irish distiller may distil from sugar only, or from potatoes only. ss. 45, 46, 47.

Conveying wash, low wines, and spirits through the utensils contrary to the directions of the act,

subjects to 200*l.* penalty, or 20*s.* per gallon, with forfeiture of vessels, &c. s. 49.

Distiller to brew and distil on alternate and distinct periods, with an interval of twelve hours between the two processes; penalty for acting contrary, 500*l.* s. 50.

Distiller to give at least six hours' notice in writing, to the officer, of each brewing of wort, on penalty of 50*l.*; and the produce of each brewing to be kept separate, on penalty of 200*l.* s. 51.

If distiller intend to brew or recommence brewing, after discontinuing it one calendar month, six days' notice in writing must be given; notice to specify the day, the materials intended to make wort from, and the gravity of the wort, not being less than fifty nor exceeding ninety degrees; six days' notice in like manner must be given of any subsequent alteration in the gravity of the wort; penalty for default in any of these cases 200*l.*, and forfeiture of the wort. s. 52.

Penalty on giving an untrue declaration of the quantity and gravity of the wort, when collected in fermenting back, 200*l.* s. 54.

After delivering declaration, penalty on increasing gravity of wort, or on increasing quantity to the amount of five per cent., 200*l.* s. 55.

Penalty if wort or wash shall be found to exceed in gravity, or in quantity by five per cent., the quantity and gravity previously ascertained and entered in the account of the officer 200*l.* s. 56.

Making of Bub.—Every distiller intending to

make bub or any other composition for promoting fermentation must give to the officer in writing, six hours' previous notice, specifying the time when and the vessel in which the composition is to be prepared, the fermenting back into which it is to be put, also the quantity to be put into the back, which quantity is not to exceed the proportion of five gallons to every one hundred gallons of the wort or wash; the gravity of the composition not to exceed the gravity of the wort; penalty for acting contrary, or for not conveying the composition into the fermenting back within twenty-four hours after time specified in notice, 200*l*. s. 57.

Distiller to declare before beginning to distil, that all wort and wash are collected into fermenting backs, on pain of 200*l*. s. 58.

Distiller to give eight hours' notice before moving wash from fermenting back to the wash charger, on penalty of 200*l*. s. 59.

Distiller to clean out low wines receiver, and assist the officer in distilling a charge of wash out of any wash back, on penalty of 200*l*. s. 61.

Penalty if produce of wash distilled exceeds proportion of one gallon and a quarter of proof spirits from every hundred gallons of wash, for every five degrees of gravity, attenuated 200*l*. s. 62.

Penalty on removing wash, till the whole contents of one back be conveyed to the still, 200*l*. s. 63.

Penalty for removing low wines, feints, or spirits, without notice, 200*l*. s. 64.

Penalty for not keeping low wines, feints, and

spirits separate in each back, or till an account thereof be taken by the officer, 200*l.* s. 65.

Penalty for mixing sugar or other materials with spirits, low wines, or feints, to prevent the strength being ascertained, 200*l.* s. 70.

Payment of Duties.—Officer to make a return on the distiller for the quantity of spirits chargeable with the payment of duty; penalty for nonpayment of duty 20*l.*, and double the amount of duty. s. 72.

Distiller to make entry at the end of every distilling period, by declaring the quality of wash distilled, and spirits made in each brewing and distilling period, and once a quarter the quantity of malt used, on penalty of 200*l.* for default. s. 73.

No spirits to be received into the distiller's stock, except such as have been distilled in his distillery, on penalty of 200*l.* and forfeiture of spirits. s. 75.

Measures and Scales.—Distillers, rectifiers, compounders, and dealers in spirits, to keep just and sufficient scales and weights, and one gallon measures on their entered premises for the use of the officer, on penalty of 100*l.* s. 76. They are also to give every assistance to the officer in taking account, on penalty of 50*l.* s. 77.

Distiller's stock account of proof spirits to be kept by the officer; penalty for increase or decrease of stock contrary to the account, forfeiture of spirits, and 20*s.* for every gallon of excess or deficiency; but no penalty for deficiency where it does not exceed a certain per centum on last account. s. 79.

Removal of Spirits.—No spirits to be removed

from stock at any other strength than 25 per cent., or eleven per cent. above or ten per cent. below proof, or in less quantity than eighty gallons, or without permit expressing strength and quality thereof; penalty 200*l.*, and forfeiture of cask and spirits. s. 81.

Where spirits have been warehoused for exportation if the distiller open any of the locks in the absence of the officer, or make any entry into the warehouse, or alter the condition thereof, without giving notice to the surveyor and his consent first had, or privately remove any of the spirits, he shall forfeit 500*l.*, and the spirits removed, &c. s. 82.

No spirits to be sent from England to Scotland or Ireland except as provided in the act, or in vessels of not less then fifty tons, or cask containing less then eighty gallons; penalty, forfeiture of the vessel, casks, &c. s. 96.

In the removal by sea of spirits from England into Scotland or Ireland, or from Scotland and Ireland into England, entry must be made, certificate of payment of duty delivered, and the landing effected within ten days after the arrival of the vessel at the port of delivery, on penalty of forfeiture of spirits, casks, and packages. s. 97. The number of casks, and the particular number and make of cask must be inserted in the entries, on penalty of forfeiture of the same. s. 98.

Spirits made entirely from malt to be warehoused separately, and not to be removed from Scotland or Ireland into England, unless on repayment of allow-

ances in respect of the malt duty: penalty for removal contrary hereto, forfeiture of the spirits and 20*s*. per gallon, or 100*l*., at the election of commissioners of excise or informer. s. 99.

Rectifiers and Compounders.—Any rectifier or compounder having in his custody any wort, or distilling the same into low wines or spirits, or receiving spirits without a legal permit, to forfeit 500*l*.; second offence forfeiture of license. s. 102.

No person deemed a rectifier unless he has at least one still of 120 gallons contents; rectifying without, subject to the penalties of working an unlicensed still. s. 103.

Rectifiers having conveyances to or from stills not permitted, or not paying for locks and fastenings for securing the charge and discharge cocks, or opening or breaking locks or fastenings, to forfeit 200*l*. s. 104.

Rectifiers who do not charge their still in the proportion of seven parts in ten of its whole capacity, or work it off within sixteen hours from the time the gauge has been taken, to forfeit 100*l*. s. 105.

Heads of stills to be taken off (except soldered on) within twelve hours after ceased to be worked, on penalty of 100*l*. s. 106.

Rectifier, dealer, or other person receiving or buying spirits from any but a licensed distiller, or at a public sale of condemned spirits, to forfeit 500*l*.; but penalty not to extend to spirits purchased on quays or warehouses where lodged on importation. s. 107.

Officers may enter at all times all places used by rectifiers, dealers, and retailers, to take account of quantity and strength of spirits, and may take away samples paying the price of them, if demanded. If any excess of stock be found contrary to the account of the officer, the same to be forfeited, and 20*s*. per gallon, or if a deficiency amounting to 5 per cent., 20*s*. per gallon forfeiture. ss. 108, 109.

No rectifier or dealer in spirits receiving any quantity less than eighty gallons, to open or tap the same till notice has been given to the officer to take an account of the quantity and strength; penalty on breaking bulk without notice, forfeiture of spirits and 200*l*.; but if officer does not attend within two hours after notice no penalty incurred. s. 111.

Rectifiers or dealers not marking the quantity and strength of spirits mixed with sugar, fruit, or other ingredients, on casks; or marking them untruly, to forfeit the same and 50*l*. s. 112.

Compounded spirits, with a permit, may be sent out at any strength not exceeding 17 per cent. under proof, and also spirits of wine, and not in any less quantity than two gallons, but no other spirits, on pain of forfeiture. s. 113.

Spirits of wine to be kept of the strength of 43 per cent. over proof at least, and be permitted and stocked accordingly and kept in a separate cellar or place, on penalty of forfeiture and 200*l*. s. 114.

Permits.—No spirits to be removed from the stock of any distiller, rectifier, or dealer, without a permit, on penalty of forfeiture of the same and 20*s*. per

gallon. But no permit to be granted to a distiller for any smaller quantity of spirits than eighty gallons contained in a cask, nor to any rectifier or dealer for smaller quantity than two gallons. s. 115.

If any retailer or *other* person send out or receive any spirits exceeding *one gallon* without permit; or if any carrier, boatman, or other person, assist in the removal thereof, every such person shall forfeit 200*l.*, together with spirits, casks, packages, cart, boat, or horses, used in the conveyance. s. 116.

No spirits to be sent out or received into stock unless the permit express the strength, on pain of forfeiture and 100*l.* s. 117.

Officer may stop any person removing spirits and examine permit; refusing to produce permit, penalty 100*l.* s. 117.

If permit for spirits be not delivered therewith they become forfeited to the *buyer*, and the seller besides shall forfeit double the price agreed to be paid. s. 120.

Any frustration or evasion of the permit laws subjects to a penalty of 500*l.* and forfeiture of license. s. 121.

[For further regulations, see *Permits.*]

Dealers in Spirits.—Every person having in his custody eighty gallons of spirits, and not being a licensed distiller, rectifier, or retailer, is deemed a dealer and under the survey of the excise.

Casks used by dealers or retailers for spirits in stock must be entered, on forfeiture of 100*l.*, and the

cask and liquor in it; and the contents must be painted, cut, or branded thereon, on penalty of 50*l.* s. 123.

No dealer to send out or keep any plain *British spirits*, except spirits of wine of any strength exceeding 25 per cent. above proof, or of any strength below 17 per cent. under proof; or any compounded spirits, except shrub, of any greater strength than 17 per cent. under proof; penalty, forfeiture of spirits and casks. s. 124.

Dealer may send out spirits of wine received by permit and kept separate from other spirits, not exceeding one hundred gallons in one day to one person. s. 125.

Dealers in *foreign* spirits to keep British spirits in separate places, on penalty of 100*l.*, or 20*s.* for every gallon found. British not to be mixed with foreign or colonial spirits, or sold or sent out, on forfeiture of 100*l.* and seizure. s. 126.

No seller or dealer in spirits to take out more than one permit in one day for the same person, and that only for removal of one cask, on penalty of 100*l.*, or 20*s.* per gallon. But this does not prohibit taking out more than one permit for removal of spirits of different kinds, and in casks containing eighty gallons and upwards. s. 127.

Retailers of Spirits.—Retailer not to be concerned in any distillery or rectifying house, on penalty of 200*l.* s. 128.

Retailer, not having a dealer's license, not to have

a permit for removal of spirits, except to private persons, nor to any seller of spirits, on forfeiture of 50*l.*, and the spirits sold. s. 129.

No retailer of British spirits to send out or keep spirits of wine exceeding at one time ten gallons, or plain British spirits of any strength exceeding 25 per cent. above proof, or lower than 17 per cent. under proof, or any compounded spirits (except shrub) of greater strength than 17 per cent. under proof, or any foreign or colonial spirits (except compounded colonial spirits) of less strength than 17 per cent. under proof; penalty, forfeiture of spirits, casks, &c. s. 130.

Officer may take the stock of every retailer when he thinks fit; if an increase contrary to the account of officer, the same to be forfeited, and 20*s.* for every gallon of excess. s. 131.

Unlawful selling.—If any person knowingly sell or deliver any quantity of spirits to be unlawfully retailed or consumed, he shall forfeit 100*l.* s. 132.

If any person knowingly receive, buy, or have in possession spirits for which the duties have not been paid, he shall forfeit the same and treble the value. s. 133.

Gaols and Workhouses.—No license to be granted for retailing spirits within any gaol, prison, house of correction, or parish workhouse; all such licenses to be void; and if any governor, gaoler, master, or officer, sell, or knowingly suffer any spirits to be used therein (except as medicinally prescribed, and as such obtained from some regular apothecary), he

shall forfeit 100*l.*: a second offence by gaoler or officer deemed a forfeiture of his office. s. 134.

Justices, upon information that spirits are unlawfully kept in such places may enter and empower a constable to seize the same. s. 135. Persons detected unlawfully conveying spirits into a parish workhouse may be imprisoned three months to hard labour. s. 136.

One or more copies of three preceding clauses to be hung up in the most public place of every workhouse, and kept legible; penalty on master or chief officer for neglect, 10*l.* s. 137.

Hawking Spirits.—Persons hawking, selling, or exposing to sale spirits in the streets or other place, or in or from any vessel on the water, or in any other manner or place than as allowed by law, to forfeit the same and 100*l.*; and if the penalty be not immediately paid, the offender may be committed to the house of correction for three months or until paid. s. 136.

Any person may detain a hawker of spirits, and give notice to a peace officer to carry him before a justice. Informers may be rewarded by commissioners, not exceeding 50*l.*, if the penalty is not paid and cannot be levied, if the offender be sent to prison. ss. 139—143.

Constable or other peace officer not executing this act upon notice, or his own view, to forfeit 20*l.* s. 144.

Officer or other person employed in the excise

taking any reward, or entering into any collusive agreement to act contrary to his duty, to forfeit 500*l.* and be incapacitated for employment in the king's service; and the person offering such reward, or attempting such collusive agreement, to forfeit 500*l.* s. 145.

Molesting or obstructing officer in execution of his duty, penalty 200*l.* s. 146.

Half the penalties and forfeitures under this act to the king; the other half to the informer or person who sues. Penalties not to be mitigated below one-fourth. s. 149.

N. B. The provisions of the preceding act, except as to the amount of the duty on licenses, were extended by 9 Geo. 4, c. 45, to Scotland and Ireland.

Spirits from Mangel Wurzel.—Licensed distillers in England, Scotland, or Ireland, may make or brew any wort or wash from mangel wurzel to be charged with the same duties as spirits distilled from potatoes. 2 & 3 Wm. 4, c. 74.

The 1 Wm. 4, c. 29, reduces the allowance on spirits made from malt only in Scotland and Ireland, and makes regulations as to the licenses taken out by those intending to claim the allowances.

CHAP. XXVII.

DRAMATIC ENTERTAINMENTS.

If any person shall in any stage-play, interlude, show, may-game, or pageant, jestingly or profanely

speak or use the name of God, of Jesus Christ, of the Holy Ghost, or of the Holy Trinity, he shall forfeit 10*l.*, half to H. M., half to the person suing in any court of record at Westminster. 3 Jac. 1, c. 21.

Exhibiting *for gain*, any stage-play, interlude, or other dramatic entertainment within the precincts of the universities of Oxford or Cambridge, or five miles thereof, subjects the offenders to imprisonment as rogues and vagabonds. 10 Geo. 2, c. 19.

Representing *for gain* any tragedy, comedy, farce, or other entertainment of the stage, without authority of letters patent of H. M. or license from the Lord Chamberlain, subjects to a fine of 50*l.* 10 Geo. 2, c. 28, ss. 1, 2.

The representation of any play or farce in any place where wine, ale, beer, or other liquors are sold, is deemed to be a representation *for gain.* s. 7.

Lord Chamberlain may, if he think fit, prohibit the performance of any play, opera, or farce; acting in defiance of such prohibition, or before a copy of a new play, &c. has been sent to him, subjects to a penalty of 50*l.* s. 4.

Letters patent of H. M. or the license of the Lord Chamberlain only authorizes dramatic entertainments in the city of Westminster, and in places where the king resides and during such residence. Theatres in the country, and without these limits, are licensed by the justices at general or quarter sessions under authority of 28 Geo. 3, c. 30, and which authorizes the performance of such plays as are performed at either of the patent theatres,

or have been inspected by the Lord Chamberlain.

Every house, room, or garden, or other place kept for public *dancing, music, or other entertainment of the like kind*, in the metropolis or within twenty miles thereof, must be licensed at the last preceding Michaelmas quarter-sessions; and such licensing announced at the place of entertainment by the words *Licensed pursuant to Act of Parliament*. Keeping such house, &c. without license renders it disorderly; any person found therein may be seized, and the keeper fined 100*l*. 25 Geo. 2, c. 36, ss. 2, 3. It is under this statute the proprietors of the minor theatres of the metropolis have been licensed; and it is in consequence of their having performed the regular drama, which their license for *music and dancing* only does not include, that they have become liable to the proceedings of the larger theatres.

CHAP. XXVIII.

EXCISE LAWS.

The collection and management of the whole revenue of excise of the United Kingdom, are placed under the control of commissioners appointed by the crown. Any four of the commissioners constitute a board subject to the authority and direction of the Lords of the Treasury. No commissioner nor officer of excise can be a member of parliament. The

commissioners appoint collectors, accountants and other subordinate officers, and give them such salaries and allowances as the treasury directs. Two assistant commissioners each are appointed for Scotland and Ireland, and with one commissioner each, and subordinate to the board of commissioners of excise, act for these divisions of the empire. The levy of the excise revenue is facilitated in England and Wales, by the division of the counties into fifty-six collections, each collection being subdivided into districts, over which there is a supervisor, and each district into out-rides and foot-walks, over which there is a guager or surveying officer.

The penalties under the excise laws are extremely numerous, and fall under four principal heads; first, those which affect officers and the public in the collection and management of the excise, and which are regulated by the 7 & 8 Geo. 4, c. 53 ; secondly, those relative to the granting and issuing of permits for the removal of exciseable commodites, and recently regulated by 2 Wm. 4. c. 16.; thirdly, those relative to the taking out excise licenses, and the payment of the duties thereon regulated by 6 Geo. 4. c. 81 ; lastly, those which affect the trade and manufactures of the several articles of consumption, subject to the survey and levy of the excise.

The penalties under the three first divisions we shall here describe, referring to the chapters on distillers, and the several trades for the other penalties arising out of the excise laws.

Officers of Excise.—Commissioners and officers

of excise are sworn to bear true allegiance to His Majesty, faithfully to account and not to receive any fee or reward from any person, other than the King or those appointed by him. Penalty, for acting without having taken and subscribed such oath, 50*l.* per month. 7 & 8 Geo. 4, c. 53, s. 7.

If any commissioner or officer vote or interfere in the election of members of parliament, he is rendered incapable of holding any office under the crown, and forfeits 500*l.* half to the informer, half to the poor. s. 9.

No person holding any office of excise, shall deal in any goods or carry on any trade subject to the excise laws, on pain of forfeiture of office, and disqualification for any office in the excise department. s. 10.

Commissioners and officers are exempt from filling any corporate, parochial, or other public office. and from serving on a jury or inquest, or in the militia. s. 11.

Officers of excise taking money or reward, or entering into any collusive agreement to defraud the revenue, to forfeit 500*l.* Offering any reward to, or attempting any collusive agreement with an officer, subjects the offender to a like penalty. Either party first giving information against the other is indemnified. ss. 12, 13.

Entry of Premises and Vessels.—The entry of any building, vessel or utensil, with the signature of the party, must be given to the officer, by whom it will

be copied into the general entry book of the division or ride. No entry is legal except in the name of the real owner; but the ostensible owner is liable. In the entry, premises, vessels, &c., must be distinguished by letters or numbers, and pipes be painted, and drawings given as directed by the officer, under penalty of 100*l.* ss. 18—21.

Officers may enter at any time premises, subject to the survey of excise; but if between the hours of eleven at night and five in the morning (except in special cases) it must be on request, and in presence of a constable. They may also leave on the premises a book or paper called a *specimen*, for recording minutes of entries made by them on the state of the manufactory. Removing, destroying, or in any way defacing such specimen, subjects to penalty of 200*l.* ss. 22, 23.

Obstructing or molesting an officer or his assistant in the execution of his duty, penalty 200*l.* s. 24.

Payment of Duties.—Excise traders to pay their duties at such time and place, and to such person as shall be appointed, or upon demand made by order of commissioners, under penalty of forfeiting double the amount of the duties neglected to be paid. s. 25. But no person compelled to go further than the next market town for the payment of duties, or making entries, other than the entry required to be made of any building, or utensil for the purpose of carrying on trade. Duties being in danger of being lost, collectors in Scotland and Ireland may forthwith issue

warrants to levy. All exciseable goods, materials, vessels, and utensils, are chargeable with and liable to arrears of duty and penalties 40*l.* ss. 25—28.

Goods fraudulently removed or deposited to evade the duty, become forfeited, as also the packages, vessels, carts or horses, used for conveying and removing the same; and persons assisting in such fraudulent attempts, forfeit treble the value of the goods, or 100*l.*, at the choice of commissioners. s. 32.

Persons found knowingly assisting in any private or unentered excise manufactory, to forfeit for the first offence 30*l.*, or three months' imprisonment; for a second offence, 60*l.*, or six months' imprisonment. s. 33.

Making of Seizures.— Upon an officer making oath of suspicion, two commissioners or one justice may grant a warrant to enter (if between eleven at night and five in the morning, in presence of a constable) and seize and carry away any forfeited goods lodged or concealed in a place: in case of resistance, officer may break open doors or remove any other impediment to his search and seizure. s. 34.

Justices, mayor, bailiffs, constables, and all persons in the service of H. M., are required to assist an excise officer in the execution of his duty. Constables, or other peace officers, on notice or request, not going with an excise officer, when his presence is required by law, to forfeit 20*l.* Constables may continue assistance into an adjoining jurisdiction. ss. 35—37.

Officers of excise and customs have concurrent

powers of seizure, &c. of foreign goods, or of British spirits forfeited under any law of customs or excise. s. 38.

Persons obstructing officers in making seizures under the law of excise or customs, or damaging or destroying any such seizures to forfeit 200*l*. s. 39.

Claims to goods seized must be entered in the name of the proprietor. Claimants to be bound in two sureties of 100*l*., to pay costs of claim, and, in default, goods, &c. to be condemned. ss. 62, 63.

Witnesses summoned, and having their expenses tendered, not appearing in any judicial proceeding under the excise laws, or refusing to give evidence, to forfeit 50*l*. s. 74.

Justices and commissioners may, if they see cause, mitigate penalties to one fourth part. s. 78. When sufficient distress cannot be found for the payment of penalties and expenses, a warrant may issue for the arrest of the person. s. 90. And a fresh levy warrant issued when goods are found after execution of arrest warrant. s. 91. The attorney-general may, if it appear to him no fraud was intended, stop any prosecution under the excise laws. s. 97. Commissioners may forbear to prosecute for penalties, or order seizures to be restored, or compound prosecutions any time before judgment. s. 98. Justices may order seizures to be restored, or penalties remitted, before or after judgment, on such terms as they shall direct. s. 99.

All penalties and forfeitures, after deduction of

costs, to be shared, half to H. M., half to the officer or person who discovers, informs, or seizes. s. 103.

Seizures of exciseable commodities (unless on suspicion of felony) by police or peac eofficers, must be lodged in the chief or other office of excise. Seizures not so deposited become forfeited, and any person keeping or neglecting to deposit them forfeits 20*l.* s. 108—111.

II. EXCISE LICENSES.

Excise licenses within the limits of the chief office of excise in London are granted by the commissioners, or persons employed by them for the purpose. Within the limits of the cities of Edinburgh and Dublin, by the commissioners or assistant-commissioner there, or persons employed by them; elsewhere by the collectors and supervisors of the respective excise collections.

Every license contains the name and abode of the person taking out the same, the date and purpose for which granted, and the place where the trade or business shall be carried on. An auctioneer, besides taking out a license as such, must also take out a license to deal in commodities for which an excise license is specially required; but it is not necessary to take out a separate license for the sale of exciseable commodities on account of, and for the benefit of the owner, on his premises, duly entered.

No excise license is necessary for the sale of an exciseable commodity while it is in the import ware-

house; provided such sale be of not less than one entire package or cask made to one person or partnership. 6 Geo. 4, c. 81, s. 12.

No license to be granted to any person to retail spirits or foreign or made wines, to be drank on the premises, who has not a magistrates' license for the sale of beer, cider or perry. Spirits, called *aqua vitæ* in Scotland, deemed to be British spirits, and persons retailing such spirits must first take out beer and spirit licenses. ss. 14, 15.

Upon death or removal, a license may be transferred by endorsement for the residue of the term, but a fresh entry must be made of the premises, and in case of a publican, a magistrate's certificate must be obtained: s. 21.

A person disabled by any conviction to hold a license to keep a common inn, alehouse, or victualling house, is also disabled to hold an excise license; and when a retail beer license is made void by conviction, a retail spirit license is also made void. ss. 21, 22.

Every person required to make entry of his premises must paint or fix in letters, publicly visible, at least one inch long, his name, or (where partners) the name of the firm, and after such name the word "Licensed," with words to express the business for which the license has been granted. Penalty for omission, or suffering such description to be effaced, or using such description without a license, 20*l*. s. 25.

The following penalties are imposed for not taking out licenses, namely, on—

Every distiller, and every rectifier or compounder of spirits, 500*l.*

Every manufacturer of tobacco or snuff, 200*l.*

Every auctioneer;—every brewer of table beer only for sale;—every brewer of beer other than table beer only for sale;—every brewer of beer for sale, who shall retail such beer to be consumed elsewhere than on his premises;—every person, not being a brewer of beer, who shall sell strong beer only in casks, containing not less than four gallons and a half, or in not less than two dozen reputed quart bottles at one time to be drank or consumed elsewhere than on his premises;—every glassmaker;—every maltster;—every maker of paper, pasteboard, or scaleboard;—every printer, painter, or stainer of paper;—every maker of soap for sale;—every dealer in spirits, not being a retailer thereof;—every retailer of spirits in Ireland, being licensed to trade in, vend and sell coffee, tea, cocoa nuts, chocolate, or pepper;—every starch-maker for sale;—every maker of sweets or made wines, or of mead or metheglin, for sale;—every maker of vinegar or acetous acid, for sale;—every dealer in foreign wine;—and every wiredrawer or other person, who shall draw or cause to be drawn any gilt or silver wire, commonly called big wire, 100*l.*

Every person who shall sell beer, cider, or perry by retail, to be drank or consumed in their house or premises;—every retailer of spirits, not being a retailer of spirits in Ireland duly licensed to sell

coffee, tea, cocoa nuts, chocolate, or pepper;—every retailer of foreign wine;—every retailer of sweets or made wines, or of mead or metheglin;—every person trading in or selling coffee, tea, cocoa nuts, chocolate, or pepper;—every dealer in or seller of tobacco or snuff;—every maker of stills in Scotland or Ireland;—every person in Scotland or Ireland, not being a distiller, rectifier, or compounder of spirits, who shall keep or use any still for the carrying on the trade of a chemist, or any other trade or business requiring the use of any still or stills, 50*l.* 6 Geo. 4, c. 81, s. 26.*

If any spirits be sold or delivered in any quantity less than *two gallons*, or if any beer, wine, cider, perry, sweets, mead, or metheglin, or vinegar, or any other goods for the retail of which a license is required, be sold by retail in any house or premises, by any person unknown, or who shall not be licensed for that purpose, the occupier being privy or consenting thereto, shall be deemed to be the retailer of such spirits, &c.; and as such, be subject to the penalties imposed upon persons for the sale of spirits, &c., without license. s. 27.

If any person licensed to carry on any trade or business, or make or sell any goods for which an excise license is required, shall not produce such license to be read and examined by any officer of excise,

* In this enumeration have been omitted the trades exempt from taking out licenses by the recent repeal of the excise duties on candles, leather, and printed calicoes.

within a reasonable time after demand, such person shall for each offence forfeit 20*l.* s. 28.

Licenses forfeited.—Under 59 Geo. 3, c. 19, s. 29, two or more justices for any county, division, or town, are authorized—upon evidence on oath, that any meeting of any society or club declared by the act to be an unlawful combination or confederacy, or any meeting for any *seditious purpose* has been held at any house, room, or place, licensed for the sale of ale, beer, wine, or spirituous liquors, with the knowledge of the person keeping such house, &c.—to adjudge the license to be forfeited; and the person continuing to sell after the date of such adjudication and notice thereof, to be liable to the penalties for selling without license.

III. PERMITS.

Permits authorizing the removal of exciseable goods are granted by the officers of excise; and any person making paper in imitation of excise paper, or counterfeiting permits, or uttering the same, is guilty of felony. Before a permit is granted a *request note* must be delivered, containing the date, the name of the place from and to which the commodities are to be carried, the mode of conveyance, the name of the sender and of the person to whom sent, with any other particulars the commissioners from time to time may direct; and be signed by the person or his clerk requiring the permit.

The time a permit is in force is limited, and if not actually used within the time must be returned

to the officer; otherwise the goods which ought to have been removed become forfeited; so also if the goods be removed but not delivered into the stock of the person authorized to receive them. Exception when the removal of goods is delayed by unavoidable accident. 2 Wm. 4, c. 16, ss. 8, 9.

Sending, delivering, or receiving goods without a permit subjects to a penalty of 200*l*. s. 10.

All goods removed, or in the course of removal, without a permit are forfeited, and may be seized, by any officer. Every carrier, boatman, or other person knowingly assisting in such unlawful removal, to forfeit 200*l*. s. 11.

The *whole or part price of goods* delivered without a permit cannot be recovered in any suit at law or in equity; or if the goods have been sold for ready money, the price paid may be recovered back by action of debt any time within twelve calendar months after payment. s. 12.

If a person forge or counterfeit a request note, or fraudulently procure, misapply, or misuse a permit, so that the account of any stock or of any commodities kept or checked by any officer by such permit is frustrated or evaded, he shall forfeit 500*l*., and the commodities removing or removed with such permit become forfeited and may be seized. s. 13.

When goods are forfeited the casks or packages containing the same are forfeited also, as well as the boat, waggon, cart, or horse used in their conveyance. s. 14.

Officer delivering out false or fraudulent permits may be punished by fine and imprisonment. s. 15.

A *private person*, not being a trader duly entered and under the survey of the excise, having occasion to remove goods for which a permit is requisite, must make a declaration that the duties have been paid to the best of his knowledge; and if it be intended to remove the goods to any other person than the person requiring the permit, a further declaration must be made that the goods have not been sold to such other person upon a request note delivered to the officer granting a permit for the removal. Making a false declaration, penalty 100*l.* ss. 16, 17.

Goods seized may be condemned, notwithstanding a permit may have been produced, unless proof can be adduced that the duties have been paid. s. 18.

These provisions extend throughout the United Kingdom, but do not affect regulations as to permits limited to particular trades and manufactures, and for which see *Alehouses*, *Brewers*, *Glass*, *Paper*, *and Soap Manufacturers*, *and Wine*, *Tobacco and Snuff Dealers*.

Tea Permits.—The act for the collection and management of the tea duties after the termination (April 22, 1834) of the exclusive privileges of the East India Company, authorizes the Lords of the Treasury to discontinue the practice of registering and issuing permits for the removal of *tea*, and to

establish any other rules, either of customs or excise, in lieu of such practice; copies of such rules to be laid before parliament. 3 & 4 Wm. 4, c. 101, s. 7.*

CHAP. XXIX.

EXPORTATION OF MACHINERY.

Putting on board any vessel not bound directly to some place in the United Kingdom, or some place under the British crown, any tool, or utensil, or any parts thereof, used in the woollen, cotton, linen, or silk manufactures, subjects the same to forfeiture, and a penalty of 200*l.* 23 Geo. 2, c. 13, s. 3; 14 Geo. 3, c. 71, s. 1.

Captains of vessels, suffering such prohibited articles to be put on board, forfeit 200*l.*; and if it be a king's ship, are disqualified for future employment under the crown. 14 Geo. 3, c. 71, s. 3.

Revenue officer conniving at or aiding the exportation of tools or utensils, to forfeit 200*l.*, and be disqualified for future employment. s. 4.

Persons suspected of collecting or having in custody tools, &c., for illegal exportation, the same may be seized and offender apprehended; if guilty, penalty 200*l.*, and forfeiture of tools, &c. s. 5.

* The inquiries of the commission of which Sir Henry Parnell is chairman, having demonstrated the inefficiency of much of the present practice of surveying and permitting, as a protection to the excise revenue, it is probable the entire system will shortly undergo important modifications.

Bringing prohibited tools and utensils, or any models of them to the wharf or quay for the purpose of exportation, subjects them to forfeiture, and a penalty of 200*l*. 21 Geo. 3, c. 37, s. 1.

No person to export any blocks, plates, engines or tools, in the *calico, cotton, muslin, or linen printing* manufactures, on pain of forfeiture of the same, and 500*l*. 22 Geo. 3, c. 60, s. 3.

Exporting, or attempting to export tools, or parts of tools, or models thereof, used in the *iron* or *steel* manufactures, subjects the same to forfeiture, and offender to penalty of 200*l*. 25 Geo. 3, c. 67, s. 1.

In all these, captains of vessels or revenue officers conniving at, or aiding the exportation of such tools or utensils, are liable to a penalty of 200*l*. Penalties half to the king, half to the informer or seizer.

The parts of the above statutes, which impose penalties and punishments, on those who *seduce* artificers engaged in the several manufactures mentioned, to settle in foreign countries, are repealed by 5 Geo. 4, c. 97. For a specific enumeration of the tools and machinery prohibited to be exported, see *Customs*, p. 123.

CHAP. XXX.

FARMERS AND GRAZIERS.

For the prevention of large farms, no person to keep above 2000 sheep, six score to the 100, except on his own inheritance only, and except what are

necessary for his own household, under pain of forfeiting 3*s*. 4*d*. for every sheep. 25 Hen. 8, c. 13, s. 13.

A penalty of 10*l*. is inflicted on any person disposing of live cattle till they have been forty days his property. 22 Geo. 2, c. 46, s. 27.

Penalty not exceeding 5*l*. nor less than 10*s*. if a person wantonly and cruelly beat, abuse, or ill-treat any horse, mare, gelding, mule, cow, heifer, sheep, or other cattle. 3 Geo. 4, c. 71. Prosecutions must be within ten days after offence. Using violence with intent to deter any person from buying or selling wheat or other grain, flour, meal, or malt in market or other place, or towards any person having the charge of such grain, wheat, &c., with intent to prevent its conveyance to market, subjects the offender to three months' imprisonment. 3 Geo. 4, c. 31, s. 26.

Every person who turns out or depastures upon any forest, chase, wood, waste land, or other unenclosed land, any sheep or lambs infected with the scab or mange, or which have been so infected six months previously, shall forfeit not less than 20*s*. nor exceeding 10*l*. with costs. 38 Geo. 3, c. 65, s. 1.

Penalty of 2*s*. each for turning out on any forest, &c., any sheep or lambs, aged three months, unmarked with the initials of the owner's name in letters three inches long.

Sheep or lambs infected may be marked with the letter S in pitch or tar, and the left ear slit; penalty for altering such mark from 2*s*. to 20*s*. s. 5.

The importation of great cattle or sheep into the United Kingdom is prohibited under pain of forfeiture. 3 and 4 Wm. 4, c. 52, s. 58.

Breed of Horses.—Every owner of a park one mile in compass, containing deer for game, required to keep two brood mares, each of the height of thirteen hands (each hand four inches) at least, on pain of 40*s*. a month; and in a park four miles and upwards in circuit, four brood mares. 27 Hen. 8, c. 6, s. 2.

Wilfully suffering such mares to be leapt by any horse under fourteen hands, 40*s*. penalty. s. 4.

Stallions above the age of two years and not fifteen hands high, reckoned from lowest part of the hoof of forefoot to highest part of the wither, put to pasture in any forest, chase, or waste ground, within the shires of Norfolk, Suffolk, Cambridge, Bucks, Huntingdon, Essex, Kent, Hants, Wilts, Oxford, Berks, Worcester, Gloucester, Somerset, Bedford, Warwick, Northampton, York, Chester, Stafford, Lancaster, Lincoln, Salop, Leicester, and the principality of Wales become forfeited. 32 Hen. 8, c. 13, s. 2. Sections 3, 4, describe the mode of seizing and measuring such stallions.

Putting to pasture any horse or mare infected with the scab or mange, penalty 10*s*. s. 9.

For other penalties affecting the agricultural classes, see *Butter and Cheese, Hops, Horses, and Turnpikes.*

CHAP. XXXI.

FISH, FISH-MARKETS, AND FISHERIES.*

No person by net, line, or other means to kill the spawn of salmon, eels, pike or other fish; nor to kill pike or pickerel, not being in length ten inches, or salmon not in length sixteen inches, or trout not in length eight inches, nor barbel not in length twelve inches. Persons to fish with net or trammel only, whereof every mesh is two inches and a half broad. Penalty 20*s.* for every offence. 1 Eliz. c. 17, ss. 1—5.

To erect any wear along the sea shore, or in any haven or creek, or within five miles thereof, or wilfully to take or destroy the spawn of sea fish, in any wear or device, subjects to penalty of 10*l.*, half to H. M. half to informer. 3 Jas. 1, c. 12, s. 2.

No herring, cod, pilchard, salmon, or ling, fresh or salted, dried or bloated, nor any grill, mackerel, whiting, haddock, sprats, gall, congers, nor any sort of flat fish, nor any other sort of fresh fish shall be imported or exposed to sale in England, which was taken by, or bought of any foreigner out of a stranger bottom. Penalty 50*l.* against master of

* The abolition of the salt duties, and withdrawal of the bounties (7 Geo, 4. 34) for the encouragement of the herring, pilchard, and whale fisheries, have virtually repealed many statutes and penalties, which otherwise it would have been necessary to notice under this head.

vessel importing, and 100*l.* against every other person, half to the poor and half to informer. 1 Geo. 1, c. 18; 9 Geo. 2, c. 33.

Prohibited Nets.—Using at sea or upon the English coast any trawl net, drag net, or sea net, for the catching of fish (except herrings, pilchards, sprats, and lavidaian) having meshes of less than three inches and a half from knot to knot, or any false or double bottom, cod or pouch, or putting any net, though of legal size, behind the others to destroy small fish, subjects to penalty of 20*l.*, and forfeiture of nets. 1 Geo. 1, st. 2, c. 18, s. 4.

Trammel nets are prohibited to be used on the coast of Ireland, without license of the commissioners of the Irish fisheries (now directors of Inland Navigation, 1 Wm. 4, c. 54, s. 6), and under such regulations as they shall direct; penalty not less than 40*s.*, nor exceeding 10*l.* 7 Geo. 4, c. 34, s. 5.

Unsizeable Fish.—Bringing to the shore, exposing to sale, or exchanging for goods unsizeable fish, not of the lengths following, from the eyes to the extent of the tail; namely, bret or turbot, sixteen inches; brill or pearl, fourteen inches; codlin, twelve inches; whiting, six inches; bass and mullet, fourteen inches; sole, plaice, or dab, eight inches; and flounder, nine inches; subjects to 20*s.* penalty, and forfeiture of fish. s. 7. But bret or turbot, brill or pearl, under these dimensions may be exposed to sale, so they be not sold above 6*d.* per lb., for every bret or turbot under sixteen inches, or brill or pearl under fourteen inches. 33 Geo. 2, c. 27, s. 11.

By 10 & 11 Wm. 3, c. 24, the minimum size of

lobsters offered for sale is fixed at eight inches from the tip of the nose to the end of the middle fin of the tail. No person to take lobsters on the coast of Scotland between June 1 and September 1, under penalty of *5l.* 9 Geo. 2, c. 33, s. 4.

Fish not to be imported.—All fish of foreign taking or curing, or in foreign vessels, is prohibited to be imported; except turbots, lobsters, stock fish, live eels, anchovies, sturgeon, botargo and caviare. Penalty, forfeiture of the fish. 3 & 4 Wm. 4, c. 52, s. 57.*

II. SUPPLY OF THE METROPOLIS WITH FISH.

Any person though not brought up a fishmonger, may buy fish in season and sizeable, but no fish, so allowed to be bought, shall be sold again by the first purchaser, before conveyance to the cities of London or Westminster, or such other place in Great Britain as the owner shall think fit to consign the same. Penalty 20*l.* 2 Geo. 3, c. 15, ss. 1, 3.

Fish Carriages to carry only fish, and implements appertaining thereto; to be registered and marked on the outside *Fish Machine only*, under pain of

* The infraction of this law, and non-enforcement of the penalties of 1 Geo. 1, c. 18, mentioned above, may be considered part causes of the rapid decline of the British fisheries. Notwithstanding the prohibition against the importation of foreign caught fish, it appears that *one-third* of the fish supplied to the London markets is procured from foreigners, including in that estimate, the turbots, eels, and lobsters, which may be legally imported. (*Parliamentary Report on British Channel Fisheries*, sess. 1833, p. 6.) The repeal of the bounties—though perhaps defensible policy—in the herring and pilchard fisheries, must have also had a depressing effect.

40*s*. May travel on Sundays and holydays, and not liable to toll when returning empty. ss. 5, 7, and 8.

Persons putting game or other thing into a fish carriage, penalty 5*l*. s. 9. But that part of this section which imposed a penalty for taking up any *passenger* is repealed by 2 & 3 Wm. 4, c. 120, s. 1. And by the same act horses drawing a fish carriage are exempt from the post-horse duty. s. 53.

If the owner of fish carriage or other person having the care thereof, and loaded with fish for metropolis, suffer bulk to be broken, or sell or expose to sale the fish before arrival within bills of mortality, to forfeit 10*l*. 2 Geo. 3, c. 15, s. 10.

Fish brought to the metropolis must with all convenient speed be sorted, and next morning (unless Sunday, then on Monday) be exposed to sale in some public market within the bills of mortality; until it has been so exposed to sale no part to be sold or offered for sale by retail, upon pain of forfeiting 10*l*. s. 11.

Attempting to forestal the market by buying up fish (except salmon and lobsters), contract void, and penalty 50*l*. s. 13.

Buying fish to be shared in lots among fishmongers, and afterwards sold by retail; or any fishmonger buying more fish than for his own sale or use, penalty 20*l*. s. 15.

If any proprietor of fish or salesman refuse to sell, or confederate not to sell to any particular person any fish exposed in public market, to forfeit 10*l*. s. 16.

Persons exposing fish to sale at first hand in the markets of the metropolis must put up a board describing the sorts and number of fish received, except as to the number of flounders, plaice, dabs, mackerel, maids, herrings, and pilchards; and if further supplies of fish be received in course of the day, the same must be published. Penalty *5l.* for omission. s. 20; or 33 Geo. 2, c. 27, s. 12, penalty 10*l.*

Fish sold by wholesale in Billingsgate market can only be sold again by retail the same day in the same market. 36 Geo. 3, c. 181, s. 1.

Any person who buys fish in such market may sell the same again in any other place in London or elsewhere by retail; except that none but fishmongers may sell in public or fixed shops or houses. 10 & 11 Wm. 3, c. 24, s. 8.

Detention of Fish.—Every person who keeps fish at Queenborough, Gravesend, or other place, in a well-boat, store-boat, or other manner, so as not to sell off his whole cargo within eight days from their arrival on the British coast between North Yarmouth and Dover, he shall forfeit his cargo and vessel, with all her tackle, half to the informer and half to the poor. 22 Geo. 2, c. 49, s. 12; 29 Geo. 2, c. 39, s. 1.

But by 42 Geo. 3, c. 19, in case any fishing vessel is freighted in whole or in part with live eels, and the owner sell off the same within twenty-eight days after arrival at the Nore, then such sale to be valid as completed within the eight days mentioned 22 Geo. 2, c. 49.*

* By this act provision was made for the establishment of a fre and open marke for the sale of fish in the city of Westmin-

Inspectors.—Inspectors of fishing vessels to be appointed between the Nore and Billingsgate, and obstructing them in their duty, penalty 10*l.* 29 Geo. 2, c. 39, s. 5.

Master of a fishing vessel for the supply of the metropolis to report within three days after his arrival at the Nore to the deputy clerk of the coast office, from whom, if required, he will receive a certificate. Penalty for omitting to report arrival 50*l.* 33 Geo. 2, c. 27, ss. 2, 3.

Master on reporting his arrival to give an account of all fresh salmon, salmon trout, turbot, large fresh cod, half-fresh cod, haddock, skate, fresh ling, lobsters, soles, and whitings, brought alive to the North on pain of 20*l.* payable by the owner; and wilfully destroying any such fish, not unwholesome, subjects offender to imprisonment in the house of correction. s. 4.

Clerk of the coast to make weekly returns on Monday, Wednesday, and Friday, to the Lord Mayor and trustees of the Westminster fish-market of the number of fishing vessels arriving at the Nore and their cargoes, under pain of 5*l.* s. 7.

After the arrival of fishing vessel at the Nore, no fish of the description mentioned to be put into any well-boat or store-boat under pain of 20*l.*; and no such fish to be unloaded, unless by retail, into any

stor; but the undertaking failed, and the capital subscribed was transferred to the *Marine Society*. The original design has been subsequently executed by the establishment of Hungerford market.

other vessel, after arrival at the Nore, but into a vessel employed to convey the fish directly to the markets of Billingsgate or Westminster; loitering on the way or remaining on the passage between the place of receiving the fish and the metropolis above one tide, or remaining without delivering the fish there at or before the next market (accidents of wind and weather excepted) subjects the offender to imprisonment for two months or not less than one. s. 8.

Inspectors guilty of neglect or misbehaviour, penalty 20*l*. s. 9.

No person engaged in the sale of fresh fish by commission to buy fresh fish on his own account, or for the joint account of himself and another, on pain of 50*l*. s. 10.

No person shall take or destroy, or knowingly have in possession, either on the water or shore, or cry about or expose to sale the spawn, fry, or brood of fish, or any unsizeable fish, or fish out of season, or any smelt not full five inches in length; any person may seize such spawn, &c. with all baskets, &c. containing the same, and charge a constable with the offender, who on conviction, besides the prohibited articles, shall forfeit 20*s*. s. 13.

The water-bailiff and yeomen of the waterside of the city of London charged with the execution of these provisions respecting spawn and unsizeable fish in respect of Billingsgate market, and within one hundred and fifty yards of Billingsgate dock, and the trustees of Westminster market (see note p. 178) or their officer; penalty for neglect of duty 5*l*. s. 14.

Penalties, unless otherwise appropriated, are half

to the poor, half to informer. Prosecutions must commence within two months after offence.

III. HERRING FISHERY.

No person shall use in any river or loch, or at sea on the British coast any herring net, trawl net, drag net, or other sea net for taking herrings, having a mesh less than one inch from knot to knot, or any false bottom, cod or pouch, or shall put any net, though of legal size, behind the other, on pain of forfeiting 20*l*. Such nets may be seized and burnt by superintendent of herring fishery. 48 Geo. 3, c. 110, ss. 12, 13.

If any person not authorized fraudulently *brand* any herring barrel or cask, or have in possession any implement for the purpose; or alter or erase any certificate, license, account, or declaration, required, he shall forfeit 50*l*. s. 50.

Officers of the fishery may go on board any buss having on board salt, barrels, or other fishing stores, and master refusing to produce certificate, license, or declaration, may be fined 20*l*. s. 45.

Boat employed in the herring fishery within the limits of a port or four leagues of the British coast, to have the name of the place to which she belongs painted on the outside of the stern in white Roman letters, two inches long, on a black ground; and inside the names of the owners. Penalty for omission, forfeiture of the boat. s. 46.

No *white* herrings to be cured, packed, or put up in Great Britain in any barrel made in whole or part of fir, or which is not half an inch thick

throughout, or which does not contain thirty-two gallons wine measure; penalty, forfeiture of herrings and barrel, which may be seized by any officer of the fishery, customs, or excise. 55 Geo. 3, c. 94, s. 12.

Persons using any other cran for the measure of herrings than that appointed by the commissioners of the herring fishery shall forfeit the same, and 10*l.* s. 13.

No herrings cured otherwise than in bulk to be mixed with those cured in bulk, whether packed or not; nor any herrings cured in bulk, or cured otherwise and afterwards laid in bulk, to be packed in any barrel or cask, unless the same is branded with the word *Bulk;* penalty, forfeiture of herrings and barrel. s. 24.

Herrings imported in bulk to be conveyed to a place proper for packing the same, and within twenty-four hours to be packed in barrels and branded with the word *Bulk ;* such herrings not afterwards to be laid in bulk on pain of forfeiture; but herrings intended to be made into red herrings need not be so marked. s. 25.

Herrings, being the refuse of the manufactory of red herrings, to be packed in barrels branded with the word *Refuse;* penalty for omission or mixing them with herrings of another description, forfeiture. s. 26.

So much of preceding as relates to herrings cured in bulk, does not extend to herrings originally cured in tight vats, pits, cisterns, hogsheads, or casks of larger size, and therein preserved in the pickle produced by their original cure till the same have been packed in barrels and not afterwards laid in bulk. s. 27.

Words directed to be branded on a cask or barrel must be done on the bulge in letters one inch and a half in length. s. 29.

If any person put on board any vessel about to be employed in the fisheries any old barrel or half barrel with an old *official brand*, or pack any herrings or other fish in such old barrels, the same become forfeited with their contents. 1 Wm. 4, c. 54, s. 2.

IV. OYSTER FISHERY

Stealing any oysters or oyster brood from any oyster bed sufficiently marked out and known is larceny; and using any dredge, net, or other instrument within the limits of an oyster fishery, though none be taken; or with net or instrument drag on the ground or soil, subjects to a penalty not exceeding 20*l.* and imprisonment not exceeding three calendar months. 7 and 8 Geo. 4, c. 29, s. 36.

V. PILCHARD FISHERY.

Persons prohibited from 1st June to the last day of November, from taking fish in the high sea, or in any bay, port, creek, or coast belonging to Cornwall and Devon, with any draft net, trammel, or stream net or other nets of that kind, unless it be at one league and a half distance from the shore, on pain of forfeiting such nets and one month's imprisonment. 13 and 14 Car. 2, c. 28, s. 2.

Pilchards taken in casks or fumathoes, if sold by persons not regularly engaged in the craft of fishery, to be forfeited. s. 3.

Idle or suspicious persons flocking about the boats, nets, or cellars of any pilchard craft on the said coasts, may be fined *5s.* on complaint to a justice. s. 5.

VI. SALMON FISHERY.

If any person shall, by nets or otherwise, do any act in the Severn, Dee, Wye, Tyne, Teme, Were, Tees, Ribble, Mersey, Dun, Air, Ouse, Swale, Calder, Wharf, Eure, Derwent, and Trent, whereby the small fry of salmon, or any keeper or shedder salmon, or any salmon not eighteen inches long, from the eye to the extent of the middle of the tail, shall be taken or killed; or shall set any bank, dam, or nets whereby the salmon may be taken or prevented going up the rivers to spawn; or shall, between the last day of July and 12th November, by any net or device, take or wilfully hurt any salmon in such rivers, or shall at any time after the 12th November fish there for salmon with any other net than is allowed by 1 Eliz. c. 17 (meshes two inches and a half broad), he shall forfeit *5l.* with nets, &c. for every offence, half to the informer and half to the poor. 1 Geo. 1, st. 2, c. 1, s. 14. Exception in favour of owners of fisheries in the Ribble.

No salmon to be sent to London from such rivers that weigh less than 6 lbs.; persons buying, selling, or sending salmon of less weight, to forfeit *5l.* s. 15.

By 58 Geo. 3, c. 43, justices are empowered to appoint conservators of rivers for the preservation

of salmon, and where no anterior act is in force they may fix the period not exceeding 150 days, within which no person shall take salmon. s. 2.

If any person endeavour to take or destroy salmon by using hot lime, green lint, flax, or other device, or use any fire, light, or white object, or lay down any net, engine, or device whatever, or use any contrivance to prevent the salmon going down the rivers, he shall for a first offence forfeit not less than 10*s.* nor exceeding 5*l.*; for *second* and subsequent offence not less than 15*s.* nor exceeding 10*l.* s. 3.

Persons having in possession, taking, killing, selling, or exposing to sale any spawn, fry, or brood of fish, or any unsizeable fish, or keeper or shedder salmon, being unseasonable salmon called old salmon, or any salmon caught within the prohibited periods, shall forfeit not exceeding 10*l.* nor less than 5*l.*, together with the spawn, fry, or salmon, and packages containing the same. s. 4.

Salmon in Scotland.—In Scotland no fish of the salmon kind to be taken between Sept. 14 and Feb. 1; penalty for taking or attempting to take salmon during this period not less than 1*l.* nor exceeding 10*l.*, together with boat, net, or implements employed. 9 Geo. 4, c. 39, ss. 1, 2.

Trespassing upon any ground or water with intent to kill salmon, penalty not less than 10*s.* or not exceeding 5*l.* s. 3.

To have in possession the spawn or fry of fish of the salmon kind, or wilfully disturb any spawn,

spawning bank, or shallow; penalty 1*l.* or not exceeding 10*l.* s. 4.

Taking or exposing to sale any red or black fish, or other unclean fish of the salmon kind; penalty 1*l.* or not exceeding 2*l.* for each fish. s. 5.

Using light or fire of any kind for the taking of fish of the salmon kind; penalty not less than 2*l.* nor exceeding 10*l.* s. 6.

Owner or occupier of cruves to keep the Saturday's slop, on pain of 5*l.* and not exceeding 10*l.* s. 7.

The whole of the penalties under this act, go to the informer, and may be recovered before the sheriff or any justice of the county where the offence has been committed.

VII. PRIVATE FISHERY.

If a person unlawfully and wilfully take or destroy any fish in any water which shall run through, or be in any land belonging to the dwelling-house of any person, being the owner of such water, or having a right of fishery therein, every such offender shall be guilty of a misdemeanor; and if any person shall unlawfully and wilfully take or destroy, or attempt to take or destroy, any fish in any water not being such as aforesaid, but which shall be private property, or in which there shall be any private right of fishery, every such offender shall forfeit, over and above the value of the fish, such sum of money, not exceeding 5*l.* as to the convicting justice shall

seem meet. Nothing in this clause extends to persons angling in the daytime; but persons angling, in the daytime, in water of the first description, are made subject to a penalty of *5l.*; or, in water of the second description, to a penalty of *2l.* 7 and 8 Geo. 4, c. 29, s. 34.

Persons found angling against the provisions of this act, the owner of the ground, water, or fishery, or his servant, may demand the rods, hooks, lines, or other fishing implements of the offender, and if he refuse to deliver them, they may be seized for the use of the owner; but persons whose implements are so seized are excused from the payment of any penalty or damage. s. 35.

CHAP. XXXII.

GAME LAWS.

Game is defined to include hares, pheasants, partridges, grouse, heath or moor game, black game and bustards. 2 Wm. 4, c. 32, s. 2.

Game Certificate.—No qualification of rank or property is requisite to kill game, but to entitle any person to kill game, exempt from penalty, during the sporting season, it is necessary to obtain a certificate in the manner following: the party desiring it must pay *3l.* 13*s.* 6*d.*, or, if the certificate be for a menial gamekeeper, 1*l.* 5*s.* to the collector of assessed taxes for the district where he resides, who will give a receipt for the same, and on giving such receipt to

the clerk of the commissioner of taxes he will receive in exchange a game certificate without further charge. Persons licensed to deal in game may obtain an annual certificate in like manner on the payment of 2*l.* 52 Geo. 3, c. 93, s. 12.

A certificate is necessary to take or kill in Great Britain a snipe, quail, landrail, woodcock, or rabbit; except to take woodcocks and snipes with nets or springs, or rabbits by the proprietor, or by the tenant and his servants.

Refusing to produce a certificate when demanded by a collector of taxes, gamekeeper, landlord, occupier or lessee of lands, or giving a false certificate, false name, residence, or place of assessment, subjects to a penalty of 20*l.* 52 Geo. 3, c. 93, s. 11. It appears from *Molton* v. *Rogers*, 4 Esp. 215, that the penalty does not attach for not producing a certificate, unless the party also refuse, on request, to tell his name and address.

If an uncertificated person kill or take game, or use any dog, gun, net, or other instrument for the purpose, he shall forfeit not exceeding 5*l.* for every offence. 1 and 2 Wm. 4, c. 32, s. 23.

This is a *cumulative* penalty, and the offender is liable to the further penalty of 23*l.* 13*s.* 6*d.* under the Certificate Act. 52 Geo. 3, c. 23, s. 12.

An uncertificated person may, under 54 Geo. 3, c. 141, assist, by beating the bushes or otherwise, a sportsman having a game certificate on his own account, and who does not sport by virtue of a deputation, and who uses his own dog and gun.

II. SPORTING AND SELLING GAME OUT OF SEASON.

Penalty for killing or taking game, or using any gun, dog, net, or other implement for the purpose, on Sunday or Christmas-day, *5l.*

Killing or taking any *partridge* from the 1st of February to the 1st of September; or *pheasant* from the 1st of February to the 1st of October; or *black game*, between the 10th of December and 12th of August (or the 1st of September, in the counties of Somerset and Devon, and the New Forest); or *grouse*, between the 10th of December and the 12th of August; or *bustard*, between the 1st of March and the 1st of September: not exceeding 20*s.* for each head of game. 1 & 2 Wm. 4, c. 32, s. 3.

A licensed dealer buying, or selling, or having in his possession any *bird of game*, not *hares*, ten days after the expiration of the season; or any person not licensed to deal in game, buying or selling within such days, or having in his possession, any bird of game (except in a mew or breeding place), after forty days, forfeits for every head of game, not exceeding 20*s.*, with costs. s. 4.*

* Though *hares* are included in the definition of "game," no time is fixed within which they ought not to be killed; neither is there any limitation as to the time when conies or wild fowl may be killed. But an indirect penalty is inflicted under the operation of the Certificate Act. To sport without a certificate, is an offence; the certificates are not granted before July, and remain in force to the 5th of April following. Any person,

Trespasses in Sporting.—A game certificate does not exempt from any penalty or punishment, to which a person is liable for trespassing on the grounds of another. Trespassing in the daytime in sporting, subjects to a penalty not exceeding 2*l.* with costs; if one or more together commit the trespass, each forfeits not more than 5*l.* 1 & 2 Wm. 4, c. 32, s. 30.

A trespasser refusing to quit the land, and tell his name and abode, may be apprehended and fined not exceeding 5*l.* s. 31.

Five or more persons trespassing, any of them being armed with a gun, and using violence or menace, may be fined not exceeding 5*l.* each, additional to any other penalty to which they may be liable. s. 32.

Trespassing in the daytime in the king's forests, penalty not exceeding 2*l.* s. 33.

Daytime is from one hour before sunrise, to one hour after sunset. s. 34.

These penalties on trespassers, do not extend to any person hunting or coursing upon any lands, with hounds or greyhounds, and being in fresh pursuit of any deer, hare, or fox, already started upon any other land, nor to any person claiming and exercising the right of free warren. s. 35.

To course, hunt, snare, carry away, kill, or wound,

therefore, sporting between the 5th of April and the time at which the certificates are granted, must, in fact, be sporting without a certificate, and consequently liable to the attached penalties.—*The Cabinet Lawyer, eighth edition*, 491.

any deer in the unenclosed part of a forest, chase, or purlieu, subjects to a penalty of 50*l*. The same offence in the *enclosed* parts of a forest, &c. is felony: suspected persons found in possession of deer, or any snare or engine, penalty 20*l*. Setting engines for taking deer subjects to a like forfeiture. 7 & 8 Geo. 4, c. 29, ss. 26—29.

Taking or killing any hare or cony in the day-time, or using any snare or engine for the purpose, subjects to a fine of 5*l*. The same offence by night is a misdemeanor. s. 30.

To kill, wound, or take any house dove or pigeon, under circumstances not amounting to larceny, subjects to a fine not exceeding 2*l*. over and above the value of the bird. s. 33.

Laying *poison* in any ground where game usually resorts, or in any highway, for the purpose of destroying or injuring game, subjects to any penalty not exceeding 10*l*. 1 & 2 Wm. 4, c. 32, s. 3.

Taking or destroying the *eggs of game* or wild fowl, penalty 5*s*. for every egg, with costs. s. 24.

Where the right to kill game is in the landlord or lessor to the exclusion of the tenant, the tenant is liable to a penalty of 1*l*. for every head of game he kills. s. 12.

III. DEALERS IN GAME.

Licenses are granted to deal in game by the justices at a special sessions held in July, and every householder or keeper of a shop or stall may take out a license; unless he be an innkeeper, victualler,

retailer of beer, or owner, driver, or guard of a mail-coach, or other conveyance, or a higgler, or carrier, or servant of any such. 1 & 2 Wm. 4, c. 32, s. 18.

Every licensed person annually to obtain a certificate on the payment of a duty of 2*l.*; penalty for dealing in game without a certificate 20*l.*

A licensed dealer must put outside his house, shop, or stall, a board with his Christian and surname, and the words *Licensed to deal in Game.* ss. 18, 19.

An *uncertificated* person selling or offering game for sale, or a certificated person selling or offering game for sale to an *unlicensed* person, forfeits for every head of game not exceeding 2*l.*, with costs. s. 25.

Every person, not being licensed, buying game of an unlicensed person, to forfeit not exceeding 5*l.* for every head of game, with costs. s. 27.

If any licensed dealer buy or obtain game from any person not authorized to sell it; or sell game, not having the aforesaid board fixed to his house; or fix such board to more than one house; or sell game at any other place than where the board is fixed; or if any unlicensed person, by fixing a board, or exhibiting a certificate pretend to be licensed; in each of these cases penalty not exceeding 10*l.* with costs. s. 28.

CHAP. XXXIII.

GAMES AND GAMING.

Mr. Dalton says that playing at cards and dice and the like are not prohibited by the common law; but it is clearly agreed that all common gaming-houses are nuisances in the eye of the law, being detrimental to the public, as they promote cheating and other corrupt practices; and incite to idle and vicious modes of acquiring property great numbers whose time might otherwise be employed for the good of society and themselves.—1 *Russ.* 433, 10 *Mod.* 336.

By 33 Hen. 8, c. 9, ss. 11, 12, no person *for gain* shall keep any alley or place for bowling, coiting, closhe, cayles, half bowl, tennis, dicing, tables, carding, or other unlawful game, under painof 40*s*. perday, and 6*s*. 8*d*. for every person resorting there. Artificer, apprentice, labourer, mariner, fisherman, waterman, or other serving man, playing at unlawful games (except at Christmas in masters' houses) may be fined 20*s*. s. 16. But masters may license their servants to play on their premises. s. 22.

Deceitful and excessive Gaming.—Any person by fraud at cards, dice, tables, tennis, bowls, skittles shovelboard, cockfight, horserace, or dogmatch, winning any sum of money, treble the amount may be recovered back by suing within six months, half to the loser, half to H. M.; or, in case the loser fails

to prosecute, any other person may sue for the moiety within eighteen months, with treble costs. 16 Car. 2, c. 7, s. 2.

If a person by play or betting at a game, other than by ready money, lose exceeding 100*l.*, he is not compellable to pay; all bonds and securities given for the same are void, and the winner shall forfeit *treble* the amount to any person suing for the same within a year: treble costs to plaintiff. s. 3.

All bills, bonds, and other securities, given for money won at play, or for money lent at play, are void; and all mortgages and incumbrances of land made upon the same consideration fall to the heir of the mortgagor. If any person at one time or sitting, lose at play, or *by betting*, 10*l.*, and pay the same, or any part thereof, he may recover it back from the winner; if the loser do not sue within three months, any other person may sue the winner for treble the sum so lost, one half to himself, the other half to the poor. 9 Anne, c. 14, ss. 1, 2.

If a person by *fraud* at play, win any money or thing above the value of 10*l.*, at one sitting, he shall forfeit treble the value, be deemed infamous, and suffer the punishment of perjury. s. 5.

Persons having no visible estate, and suspected of living by gaming, may be compelled to give securities for their good behaviour, and if they game for any sum exceeding 20*s.*, their recognizances become forfeited. ss. 6, 7.

If any person assault, or send a *challenge* to fight another on account of money won by gaming, he

shall forfeit all his goods to H. M., and suffer two years imprisonment in the county gaol. s. 8.

Nothing in this act extends to gaming in the royal palaces, so it be for ready money only.

If any person keep any house, room, or place for playing at roulette, faro, basset, hazard, or the game of passage, and all other games played with one or more dice (backgammon excepted) he shall forfeit 200*l*. 12 Geo. 2, c. 28, s. 2: 13 Geo. 2, c. 19, s. 9. Persons advertising such games, to forfeit 50*l*. 12 Geo. 2, c. 28, s. 3.

Persons losing at play, or by betting, at one time, above 10*l*., or of 20*l*. within twenty-four hours, may be indicted, and if convicted fined treble the amount won or lost. 18 Geo. 2, c. 34, s. 8.

Gaming in Public-houses and Streets.—If any journeyman, apprentice, or servant, game in any house where liquors are sold, or in any place appertaining thereto, he shall forfeit any sum not exceeding 20*s*., nor less than 5*s*. 30 Geo. 2, c. 24, s. 15. Section 14 of this act which punishes publicans for *knowingly* tolerating gaming in their houses is repealed by the Licensing Act. 9 Geo. 4, c. 61.

By the Vagrant Act, all persons *playing or betting* in any open or public place, with any table or instrument of gaming at any game or pretended game of chance, may be treated as rogues and vagabonds, and on conviction, imprisoned three calendar months to hard labour. 5 Geo. 4, c. 83, s. 4.

Lotteries.—All lotteries deemed public nuisances

and grants and patents for the same void. 10 & 11 Wm. 3, c. 17, s. 1.

No person shall either publicly or privately keep open any lottery, either by dice, lots, cards, balls, numbers, figures, or any other way, under pain of 500*l.*, one-third to H. M., one-third to the poor, and one-third to party suing. s. 2.

Person playing at such lottery to forfeit 20*l.*, recoverable with double costs, and divided as in last section. s. 3.

Penalty 100*l.* for writing, printing, or publishing the setting up of such lotteries. 9 Anne, c. 6, s. 56.

Selling the chance of any ticket in an authorized lottery of which the seller has not possession, subjects to a penalty of 100*l.* 5 Geo. 1, c. 9, s. 43.

All schemes for disposing of houses, lands, advowsons, ships, and goods, by way of lottery, or the printing and advertising, subject to a penalty of 500*l.* 8 Geo. 1, c. 2, s. 36. Adventuring in such schemes subjects to the forfeiture of double the sum advanced. s. 37. (Amended 12 Geo. 2, c. 28, and 13 Geo. 2, c. 19. Extended to Ireland 29 Geo. 2, c. 7.)

Penalty 200*l.* for setting up a lottery by virtue of, or under colour of authority from any foreign prince or state, 9 Geo. 1, c. 19, s. 4.

All lotteries or games called *Little Goes*, deemed public nuisances. 42 Geo. 3, c. 119. No person under any pretence to agree to pay any sum, deliver any goods, or to do or forbear any thing for the value of any chance in such lotteries. s. 5.

CHAP. XXXIV.

GENERAL POST-OFFICE.

No person shall wittingly or knowingly open, detain, or delay any letter or packet after delivery into the Post Office, or into the hands of the person employed to receive post letters, and before delivery to the person to whom directed; except by express warrant in writing under the hand of one of the principal secretaries of state, or except where the party to whom directed refuses to pay the postage; and every person so offending, or who shall embezzle such letter or packet shall forfeit 20*l.* with costs. 9 Anne, c. 10.

No person, except the postmaster, to carry letters, under a penalty of 5*l.* for each offence, and 100*l.* a week besides; half to the king, and half to him who sues, with full costs. s. 19.

No person in any part of the United Kingdom, or other of H. M.'s dominions, where any post is established, shall receive, take up, order, despatch, convey, carry, recarry, or deliver, or send, or tender in order to be sent, otherwise than by the post, any letter, on pain of forfeiting for each letter 5*l.*, half to the king, half to the person who informs or sues. 48 Geo. 3, c. 81; 5 Geo. 4, c. 21, s. 7.

Exceptions from this penalty in favour of the universities; also to any commission or return

thereof, affidavits, writs, or processes issuing out of any court of law; also to letters sent and delivered by a private friend or express messenger, and to letters sent with and relating to goods sent by a known common carrier, and delivered with the goods without hire or reward. *A* person carrying a letter may inform against a person sending one.

Banker's Reissuable Notes.—The General Post-office in London may receive packets of reissuable notes, issued by country bankers under annual license, and which have been paid by their agents in London to be conveyed by post to the bank where first issued, and demand for the conveyance of the same only *one-fourth part* of the established rates of postage. But no such packet to be conveyed unless it exceed six ounces in weight and be superscribed *Reissuable Country Bank Notes only*, and be certified by the signature of the agent of the bank in town. Such packet may be detained and examined, and if it contain any writing, communication, matter, or thing, other than reissuable notes, the sender to forfeit 200*l.*, and the packet be detained until the penalty be paid; half the penalty to H. M., half to the informer. 5 Geo. 4, c. 20, ss. 1—5.

Ship Letters.—Masters of vessels opening sealed bags of letters intrusted to them, or taking thereout letters, or not duly delivering the bags at the post-office of the first port of arrival, forfeit 200*l.* Masters or others having letters in their possession, after delivering the bag at the post-office, forfeit 5*l.* for every letter found on board. 55 Geo. 3, c. 153.

Masters of vessels arriving at any port of the United Kingdom are required to deliver the ship's letters and packets to the person appointed by the postmaster-general to receive the same. Letters exceeding three ounces in weight may be retained on board until the vessel's arrival at the regular port of discharge; but having on board any letter of less weight after the ship's letters have been demanded, subjects to a penalty of 5*l.* each. 7 & 8 Geo. 4, c. 21, s. 14.

Post-office Servants.—Any deputy postmaster charging more than the legal postage, to forfeit 5*l.* for each offence, and for the continuance of such practice one month, 100*l.* 9 Anne, c. 10.

No postmaster shall by word, message, or in any other manner endeavour to influence any elector in giving his vote for a member of parliament, on pain of 100*l.*, half to the informer, half to the poor, and likewise be incapacitated. s. 44.

CHAP. XXXV.

GLASS MANUFACTURERS.

Every glassmaker to take out an annual license and renew the same annually on pain of 100*l.* 6 Geo. 4, c. 81. License does not allow glassmaker to work in any other house than that for which the license is taken out.

Before glassmaker begins to make glass, or prepâre materials, he must make entry at the next excise office, of all workhouses, furnaces, pots, pot-chambers, annealing arches, warehouses, and rooms intended to be used in his business. Penalty 200*l.* for omission. 17 Geo. 3, c. 39, s. 29. But no house for making *smalts* to be entered or erected within a mile of any glasshouse; nor a maker of smalts to make any other kind of glass on pain of 500*l.* 59 Geo. 3, c. 115, s. 8.

Officer may enter and survey at any hour, upon request, and take an account of the capacity of pots, and number and mark the same; penalty 500*l.* for counterfeiting or altering such marks; and defacing marks, penalty 200*l.* 35 Geo. 3, c. 14, s. 2.

Twelve hours' notice to be given before filling any pot, with an account of the weight of the materials, and the species of glass intended to be made in each pot; penalty 50*l.* 17 Geo. 3, c. 39, s. 33. If, after notice given and gauge taken by the officer, fresh materials are put into the pot, penalty 20*l.* *ib.*

During a quarter of an hour after the officer has entered the glasshouse and forbidden the same, fires not to be stirred, nor smoke raised, lest the officer be obstructed in his duty. Penalty 100*l.* s. 5.

II. COMMON GLASS BOTTLES.

If any maker of common glass bottles, or other vessels or utensils of common bottle metal only, be desirous of making such in any distinct and separate glasshouse or building, he must deliver a declaration

of his intention to the surveyor of his division; in which case he will be charged duty according to the weight of the bottles, and not according to the gauge of the pot or materials. Annealing arches for making common bottles to be built of a rectangular form, with the sides and ends perpendicular, the bottom level, and only one entrance, on pain of 100*l*. 35 Geo. 3, c. 114, ss. 7, 8. Iron gratings to be fixed to the mouth of the arch and oven, as approved by the excise; locks and fastenings to be provided by officer at the expense of the glassmaker; penalty on opening locks or obstructing officer, 100*l*. s. 9. Locks and fastenings to be repaired by glassmaker when required by officer, on pain of 100*l*. s. 10. Twelve hours' notice to be given of intention to heat the annealing arch. s. 11.

Bottles when blown to be removed into the annealing arch; but if of different kinds, not to be put in at the same time, on pain of 50*l*. s. 12. The whole metal intended to be manufactured to be worked within 16 hours, and the pot to be again charged; and declaration of the number of bottles and their measures to be given, on pain of 100*l*. s. 13. Scales and weights to be provided on pain of 50*l*. s. 15. Turn of the scale to be in favour of the crown, and in lieu thereof 1 lb. in 100 lbs. allowed to the maker. s. 17. Bottles weighed and unweighed to be kept separate, on pain of 50*l*. s. 21. Using private annealing arch, utensil, or place unentered, or carrying away bottles unweighed; penalty 500*l*. s. 22. No phials to be made in places

entered for making common glass bottles, on pain of 200*l*. s. 23.

No maker of glass to make of common bottle metal any bottle of less capacity than a reputed half-pint, on pain of 50*l*. 51 Geo. 3, c. 69, s. 37.

III. FLINT AND PHIAL GLASS.*

Officer to number and mark every workplace, pot, and lear, for making or keeping flint and phial glass, or materials for the same. Penalty for defacing marks 100*l*. 51 Geo. 3, c. 69, s. 11.

Lears to be constructed in form directed by excise, on pain of 100*l*. s. 12. Iron gratings to be fixed to the lear, to be locked by the officer; maker neglecting to fix gratings, to forfeit 100*l*. s. 13. In one or more of the lears all the glass made at one time to be deposited, on pain of 200*l*. s. 14. Maker not to have in the lear any other species of glass than flint or phial glass, on pain of 100*l*. s. 15. Maker to give six hours' notice of heating the lear, s. 16.

Maker to provide *weighing room*, on pain of 200*l*.,

* The several kinds of glass, according to the ingredients of which they are made, are as follow: 1. Flint glass, or glass of lead, of which the principal component element is purified Lynn sand; 2. Plate glass, or glass of pure soda; 3. Crown glass, or fine window glass; 4. Broad glass, a coarse window glass, made of a mixture of soapboiler's waste, kelp, and sand; 5. Bottle, or coarse green glass, made of soapers' waste and river sand. By 2 and 3 Wm. 4, c. 102, s. 19, spread window glass, crown glass, or German sheet glass, may be coloured without being liable to the duty of flint glass.

which is to be kept locked by the officer. s. 18. Also, under like penalty, to provide annealing pans or trays, with a windlass and machine, for conveying them, with the glass wares, from the lear into the weighing room. s. 19.

Supervisor to provide locks and fastenings at the glassmaker's expense, and if maker neglect to pay, or violate such locks or fastenings; penalty 200*l.* s. 28. Also to be kept in repair by glassmaker, and to assist officer in weighing and reweighing, on pain of 100*l.* ss. 29, 30. Weighed glass to be kept apart from the unweighed, on pain of 100*l.*, and conveying away glass before it has been weighed, penalty 500*l.* ss. 31, 32.

No flint or phial glassmaker, to manufacture any other glass in the building entered for the making of flint and phial glass, on pain of 100*l.* s. 36.

Obstructing officer in the execution of his office, penalty 300*l.* s. 38.

No pot to be gauged without notice first sent to the officer by the glassmaker, nor to be set in the annealing arch without having been regauged and marked by the supervisor, on pain of 100*l.* Dimensions of each pot to be given to the glassmaker when ascertained by the officer. 6 Geo. 4, c. 117, ss. 10, 11.

Maker to give six hours' notice of setting pots in the furnace, on pain of 100*l.* for doing so without notice, or for altering the position of or changing the pots. s. 12.

All pots upon notice being given to be unstopped, to be opened at once in presence of the officer (if he

can attend), and if any found upon being opened unfit for working, the whole to be stopped up again and a fresh notice given; acting contrary to the regulations, penalty 100*l.* s. 13. Maker may charge fresh pots or *overtakers*, after the expiration of the time mentioned in the former notice to charge, upon giving notice thereof accordingly. s. 14.

Overtakers to be *opened together*, as the pots charged at the commencement of the journey are directed to be opened at one and the same time. 2 & 3 Wm. 4, c. 102, s. 9.

Maker taking out materials from the pot until the whole be laded out, or making any alteration therein, to forfeit 200*l.* 6 Geo. 4, c. 117, s. 15. But by 2 & 3 Wm. 4, c. 102, s. 11, within sixteen hours after charging any pot the materials may, on giving six hours' notice, be laded out into water in order to improve them, and be returned into the pot. No materials to be added to any pot after the gauge has been taken, under penalty of 200*l.* 6 Geo. 4, c. 117, s. 18. Workmen or servants maliciously adding materials after gauge taken, or fraudulently removing glass, may be imprisoned three months. s. 23.

The whole of the flint glass fluxed in each week to be worked, or laded out into water by six o'clock on Saturday evening, on pain of 200*l.* 2 & 3 Wm. 4, c. 102, s. 8.

When any flint glass is to be weighed, the maker may select and declare any part to be imperfect and desire it not to be weighed; the goods so selected to be broken to pieces without being weighed, and the

officer to weigh the remainder. Penalty 100*l.* in obstructing officer in breaking glass declared to be imperfect. s. 5.

Outer-door of the reweighing room to be kept locked while the officer is engaged in weighing; and all glass to be kept in the reweighing room four hours, unless sooner reweighed by the surveyor, and as soon as reweighed or at the expiration of the four hours, to be forthwith removed. Obstructing officer in locking the reweighing room, or removing glass before the appointed time, penalty 200*l.* s. 6.

Every lear for the annealing of flint glass, to be covered with plaster or cement, and be kept so covered to the satisfaction of the supervisor, on pain of 100*l.* s. 12.

IV. SPREAD WINDOW AND CROWN GLASS.

The annealing arch for making this description of glass must be rectangular, sides and ends parallel, and have only one entrance; neglecting to make the arch of this form, or to number it with durable mark, penalty 100*l.* Iron grating to be affixed to the entrance, and locks and fastenings provided at the maker's expense, and officer to close the arch until the time the glass is taken out to be weighed and charged; obstructing officer, or damaging locks, penalty 100*l.*, and if not kept in repair by maker, penalty 50*l.* Six hours' notice to be given to officer before heating the arch, on pain of 50*l.* Scales and weights to be provided on pain of 100*l.*; using false scales, 500*l.* Maker to assist

officers in weighing, and penalty of 100*l.* incurred for conveying glass from arch before weighed. Twelve hours' notice to be given before glass is drawn from the arch, on pain of 100*l.* 49 Geo. 3, c. 63, ss. 5—17.

Before maker closes any annealing arch he must deliver to the officer a declaration in writing, specifying the number of tables of glass contained in each arch, also the number of inches in length occupied by such tables, from the back or bottom of each arch, to the first or front table of glass, and the number of inches unoccupied between the front table and the grating at the mouth of the arch; any false return of the number of tables, or of occupied or unoccupied inches to the amount of 5 *per cent.*, subjects to a penalty of 50*l.*, and if the maker neglect to make the declaration mentioned, or if any variation of the number of tables, and also of the number of inches be discovered, the penalty is 200*l.* 2 & 3 Wm. 4, c. 102, s. 15.

Commissioners of excise may allow *two* entrances to arches for annealing German sheet glass, provided the arch is constructed as approved. s. 16.

Every attempt to evade the duties on flint glass, spread window, crown, or German sheet glass, subjects the maker to a penalty of 500*l.* s. 18.

No crown glass, German sheet glass, broad or spread window glass, to be made, on pain of forfeiture, of greater thickness in the foot superficial, exclusive of the bullion and rim, than *one-ninth part of an inch*, unless charged to the duty of plate glass. 56 Geo. 3, c. 108, s. 6.

The several acts for the regulation of the manufacture of glass, or, more correctly, for the better collection of the duties thereon, extend throughout Great Britain and Ireland.

V. IMPORTATION OF GLASS.

Every package containing any plates of glass unframed, being *plate, crown, or sheet glass,* which shall be imported either for home use or exportation, shall be marked on the outside, in Roman letters, four inches long at least, with the word GLASS; on pain of forfeiture, together with the package. 38 Geo. 3, c. 33, s. 6.

Master of vessel in his report of ship's cargo, to specify every such package of glass, on pain of forfeiting the same and 100*l.* s. 7.

Glass not to be imported in packages containing less than five hundredweight, on pain of forfeiture, s. 8.

VI. EXPORTATION OF GLASS.

Every person intending to export any glass, to give, if within the limits of the chief office in London, twelve hours' notice, elsewhere twenty-four hours, to the officer of excise of his intention to pack such glass, and of the time and place; and such officer to attend and see the same packed up, and put a seal or mark thereon; and any person opening such package, or defacing seal or mark (except officer of excise), to forfeit 20*l.* 26 Geo. 3, c. 77, s. 3.

Shipping for exportation to obtain the drawback,

on broad glass or other window glass, contrary to the regulations of 54 Geo. 3, c. 97, s. 6, subjects to a penalty of 100*l.*

Placing any brick, stone, or other heavy substance, in any cask, box, or chest, containing flint, phial, broad, or crown glass, packed for exportation on drawback, subjects to penalty of 200*l.*, and the glass to forfeiture. 52 Geo. 3, c. 77, s. 7.

Defacing or altering the marks expressing the weight or tare of packages of glass for exportation, subjects to penalty of 200*l.*, and forfeiture of glass. s. 8.

Officers of excise to mark packages of glass for exportation with the letters E. G.; and if packages so marked be not put on board within twelve hours after, or if packages so marked be found on land twelve months after being packed for exportation, they become forfeited. Defacing or altering excise marks, penalty 200*l.* s. 9.

Ground or polished plate glass to be shipped according to regulations of 56 Geo. 3, c. 108, on pain of forfeiture and 100*l.*

No flint glass to be entitled to the drawback on exportation, unless it be of the specific gravity of 3000, that of water being of 1000; nor unless it be worth at least 11*d.* per pound for home consumption at the time when it is entered for exportation. 6 Geo. 4, c. 117, ss. 24, 25.

Plate glass, broad glass, and crown glass exported from Ireland to foreign parts, or from Ireland to Great Britain, to be accompanied with a certificate

of the payment of the duties. Penalty on exporting without such certificate, 500*l.* 9 Geo. 4, c. 48.

CHAP XXXVI.

GOLDSMITHS, SILVERSMITHS, AND PLATE WORKERS.

Licenses.—Every person trading in gold or silver, or any goods in which any quantity of gold exceeding two pennyweights, and under two ounces, or any quantity of silver exceeding five pennyweights and under thirty ounces, in one distinct ware, is manufactured, must take out an annual license which costs 2*l.* 6*s.* Persons trading in gold or silver plate of *greater* weight, and *pawnbrokers*, trading in gold or silver plate, or taking in pawns of such plate, and every *refiner*, must take out an annual license which costs 5*l.* 15*s.* Sellers of gold and silver watches, and not traders in plate, are exempt from former license duty. 49 Geo. 3, c. 69; 59 Geo. 3, c. 32.

Gold and silver lace are not deemed plate, and traders therein not required to take out a license. 6 Geo. 4, c. 118, s. 3.

Old Statutes in Force.—According to 28 Edw. 1, c. 20,* no goldsmith shall make any vessel of gold

* This statute appears to be confirmed by 12 Geo. 2, c. 26, and 38 Geo. 3, c. 69, s. 8 (*Tyr. Tyn. Dig.* 322). The leopard's

or silver, except it be of true alloy, namely, gold of a certain touch, and silver of the sterling alloy, or better at the pleasure of him to whom the work belongs; and none shall work worse silver than money. No vessel of silver shall leave the hands of the workers, until it be assayed by the wardens of the craft, and marked with the *leopard's head*; they shall work no worse gold than of the touch of Paris. The warden of the craft shall go from shop to shop among the goldsmiths, to assay if their gold be of the touch, and if they find any other than of the touch, the gold shall be forfeited to H. M. No one shall set any stone in gold except it be natural; and cutters of stones and of seals, shall give to each their weight of silver and gold. All the towns in England, where any goldsmiths be, shall be ordered as those of London; and one shall come from every town to London, to be ascertained of their touch; and every goldsmith attainted, shall be punished by imprisonment and ransom.

Every goldsmith shall have his own mark, which shall be known by the king's surveyors, but the same shall not be set on till the latter have made their assay, and set on H. M.'s mark. 37 Edw. 3, c. 7.

To gild or silver any locks, rings, beads, candlesticks, harness for girdles, chalices, hilts, pommels of swords, powder boxes, or covers for cups, made of

head, mentioned in the statute of Edward, is the oldest mark on plate, and is still retained.

copper or latten is forbid, on penalty of 100s.; but artificers may work ornaments for the church, of copper or latten, and gild them, so that in some part the copper or latten be plain. 5 Hen. 4, c. 13.

No man shall gild sheaths or metal, but silver and ornaments of holy church; nor silver metal but knights' spurs, and apparel of a baron or higher degree, on pain of forfeiting ten times the value of the thing gilt, and one year's imprisonment. 8 Hen. 5, c. 3.

Goldsmiths not to gild silver worse than of alloy of English sterling, on pain of forfeiture. 2 Hen. 5, st. 2, c. 4.

No goldsmith nor worker of silver in London, shall sell workmanship of silver, unless it be as fine as the sterling; nor in York, Newcastle-on-Tyne, Lincoln, Norwich, Bristol, Salisbury, and Coventry, on pain of forfeiture of double the value. 2 Hen. 6, c. 14, ss. 1—3.

Finers of gold and silver, and parters of the same by fire and water, not to alloy fine silver or gold; nor to sell any except to officers of the Mint, changers, and goldsmiths; no finer or parter to sell silver in mass, molten and alloyed, upon pain of forfeiture, half to H. M. and half to informer: fine silver to be of such fineness, that it may bear twelve pennyweights of alloy in a pound, and yet be as good as sterling; every finer to put his mark on such fine silver, on pain of forfeiture: no goldsmith to melt or alloy silver, except for making amels for works of gold, smithers and mending plate; nor shall they sell fine silver or other silver alloyed and melted

into mass, on pain of forfeiture. 4 & 5 Hen. 7, c. 2, ss. 1—2.

No goldsmith shall work, sell, or exchange any plate or other goldsmiths' wares of gold, less than twenty-two carats fine (now eighteen carats, 38 Geo. 3, c. 69); nor use solder, amel, or other stuffings, more then is necessary; nor take above 12*d.* for the ounce of gold, nor 12*d.* for the pound of silver, (besides the fashion) more than the buyer would be allowed at the king's mint for the same; nor put to sale plate before he has put his mark; on pain of forfeiture. Wardens and masters of goldsmiths' company, to forfeit value of any plate allowed and marked by them in which fraud is found, half to party aggrieved, half to H. M. 18 Eliz. c. 15.

II. ASSAY OF PLATE IN THE COUNTRY.

The several companies of goldsmiths in the cities of York, Exeter, Bristol, Chester, and Norwich,* are incorporated and empowered to assay and mark wrought plate. No manufacture of silver in these cities to be of less fineness then the legal standard, nor any plate of silver to be offered for sale or exchange until marked with the *worker's mark,* to be expressed by the two first letters of his surname, with the *lion's head erased* and the figure of *Britannia;* with the *arms of the city* where assayed, and with a variable mark or letter in Roman character,

* Newcastle-on-Tyne, added 1 Anne, st. 1, c. 9; Birmingham and Sheffield, by 13 Geo. 3, c. 52.

which shall be annually changed on the election of new wardens, to denote the year (see *post* PLATE MARKS): all plate except such small things as are not capable of receiving a touch, become forfeited unless of such mark and fineness, half to H. M. half to him who sues in any court of record. 12 & 13 Wm. 3, c. 4, s. 3.

Assay master of each company to detain eight grains for every pound of silver assayed, four grains to be put in box of *diet*, and the other four grains allowed for wash and spillings. Diet to be brought to London (annually if required by Lord Chancellor) and tried as the pix of coin is tried; if in the diet of any of the companies be found deceit, the company to forfeit 50*l.*; and if any plate be touched, marked, or wrongfully allowed for good by assayer, the assayer to forfeit double the value of the plate, half to H. M., and half to the suer. ss. 4—6.

Goldsmith, silversmith, or plateworker, before he exercises his trade, to enter his name, mark, and abode, with the wardens of the company; penalty for omission, or striking in any other mark, double the value of the plate to be appropriated as before. s. 7.

Goldsmith, &c., inhabiting a place where there is not an assayer, must first fix his mark on all his plate (except trifles unfit for touch), and then send it to a place where an assayer is appointed; if of standard fineness it will be marked by the assayer, who may be paid not exceeding 6*d*. per lb.: goldsmiths, &c., working any silver plate below the

standard, or offering it for sale or exchange, before it has been assayed and marked, to forfeit the plate or the value. s. 9.

III. STANDARD FINENESS OF PLATE.

By 18 Eliz. c. 15, the standard fineness of gold plate was twenty-two carats; of silver, eleven ounces two pennyweights of fine silver for every pound troy of silver. The 8 Wm. 3, c. 8, raised the standard of silver to eleven ounces ten pennyweights of fine silver to every pound troy. The 6 Geo. 1, c. 11, restored the old standard of Elizabeth; by enacting that silver plate might be worked either of the standard fineness of eleven ounces ten pennyweights, or eleven ounces two pennyweights. Thus two standards of wrought plate were established with distinguishing marks; the former with the worker's mark, the mark of the warden, a lion's head erased, and a Britannia; the latter, the worker's mark, the warden's, a lion passant, and a leopard's head. This continued till 12 Geo. 2, c. 26, when it was enacted that no gold vessel, plate, or manufacture of gold should be of less fineness then twenty-two carats (altered to present standard of eighteen carats, by 38 Geo. 3, c. 69) of fine gold in every pound troy; nor any silver vessel, plate, or manufacture of silver, of less fineness then eleven ounces two pennyweights of fine silver in every pound troy. Penalty for making, exposing to sale, exchanging, or exporting out of the kingdom, gold or silver plate, &c., below the standard, 10*l.* for every of-

fence. 12 Geo. 2, c. 26, s. 1, as altered by 38 Geo. 3, c. 69.*

Shopkeepers dealing in gold and silver wares below the standard, exonerated from penalty, provided they give notice to the company of goldsmiths, within fourteen days after acquiring a knowledge of the same, and proving that they were not privy to the fraud. 12 Geo. 2, c. 26, s. 3.

IV. PLATE MARKS.

All gold and silver plate, or manufactures of gold and silver of the standard fineness, must be marked with the initials of the christian and surname of the maker, a distinct variable mark denoting the year in which the plate was made, the marks of the company of goldsmiths in London, namely the *leopard's head* and the *lion passant*; or, on *gold* manufactures, in lieu of the *lion passant*, the mark of a crown, and the figure eighteen. In the country the mark of the maker, with the marks appointed by the local assayer; or plate, being of the standard of eleven ounces ten pennyweights of fine silver, the mark of the maker, as before, with the marks of one of the goldsmiths' companies, namely, the lion's head erased, Britannia, and the variable mark to denote the year. In Birmingham and Sheffield, the marks for silver plate of the standard of eleven ounces two pennyweights fine silver per pound troy,

* These notices of the variations in the legal standard of fineness, are important as showing the different values of gold and silver plate of the several periods, as indicated by the marks.

are the initials of the worker, a variable mark for the year, lion passant, and the assay company's mark, namely, for Birmingham an anchor, and for Sheffield a crown; or plate of the standard of eleven ounces ten pennyweights, the initials of the worker, Britannia, mark to denote the year, and assay company's marks. To these marks of the several companies, must be added on all gold and silver plate, whether of town or country, the *king's head*. Penalty for making or dealing in gold or silver plate below the standard, or without the legal marks, 10*l*. for every offence. 12 Geo. 2, c. 26; 13 Geo. 3, c. 52; 24 Geo. 3, st. 2, c. 53; 38 Geo. 3, c. 69.

Gold wares not required to be marked by any of the companies are rings, collets for rings, chains, necklaces, beads, stock or garter clasps, toothpick cases, sliding pencils, wrought seals, or seals with cornelian or other stones set therein, any gold vessel, plate, or manufacture of gold or silver so richly chased, as not to admit of an assay or mark without injury; or other small things unfit to receive the marks, and not weighing ten pennyweights of gold. 12 Geo. 2, c. 26, s. 6. And by 30 Geo. 3, c. 31, the following silver wares need not be marked, namely, chains, necklaces, lockets, filigree work, brooches, spouts to china, tin, or earthenware teapots, of any weight whatever, nor tipping or mounts, not weighing ten pennyweights of silver each.

V. CHARGES FOR ASSAYING AND MARKING.

For *gold* watch cases or boxes 10*s*. each, hooks for watch chains 10*d*., buckles *5d*., snuff boxes 1*s*. 3*d*.; every other piece of wrought gold weighing thirty ounces or under, 2*s*. 6*d*.; weighing above thirty ounces to fifty ounces 3*s*. 9*d*., and so in proportion. For *silver* plate weighing four pounds or less *5d*.; for pieces of plate above four pounds, a diet not exceeding ten grains may be taken, and for assaying and marking small wares of silver, namely, sword hilt *5d*., snuff box 3¾*d*., watch case or box 2½*d*., a dozen of teaspoons 3¾*d*., a nutmeg grater 1¼*d*. The serates are chargeable at the assay offices both in London and the country. 12 Geo. 2, c. 26, ss. 13—19.

The wardens of the companies may cut or deface plate sent to be assayed, and found inferior to the standard. s. 20.

Making, selling, or exporting any gold plate, or manufacture of gold, without the marks indicating the standards of twenty-two or eighteen carats fine, subjects to penalty of 50*l*. 13 Geo. 3, c. 52, s. 6.

VI. GOLD AND SILVER LACE.

Copper, brass, and every metal inferior to silver must be spun on thread yarn or incle only, and not on silk, on pain to forfeit *5s*. for every ounce. 15 Geo. 2, c. 20.

Silver wire for the making of silver thread, to hold at least eleven ounces fifteen pennyweights of

fine silver upon the pound troy; and all silver to be gilt, and used in the wiredrawers trade to hold at least eleven ounces eight pennyweights of fine silver upon the pound; and not less than four pennyweights four grains of fine gold without alloy, on each pound weight of the said silver; penalty on refiner or maker for the contrary *5s.* an ounce. s. 2.

No gilt wire to be coloured with verdigrise or deadhead, on penalty of *2s. 6d.* an ounce. The like penalty for offering to sale any gold or silver orris lace, mixed with any other metal or material than gold or silver, silk and vellum. ss. 3, 4.

Penalty *5s.* an ounce for selling gold or silver wire, plate, thread lace, or fringe, by any other weight then troy weight. s. 5.

These penalties are augmented by 28 Geo. 3, c. 7, to *5l.* per ounce.

Importing into Great Britain gold or silver thread, lace, fringe, or other work made thereof, or any thread, lace, fringe, or other work made of copper, brass or other inferior metal, or gold or silver wire, or plate, subjects to a penalty of *100l.*, and the forfeiture of the articles, which may be burnt. s. 7.

Every ingot of silver for gilt wire, to be weighed in presence of excise officer attending the forge, before being covered with gold, and be weighed in his presence, and marked by him after gold laid thereon; on penalty of *20l.* for refusing to admit the officer. s. 8.

Penalties half to informer, half to H. M. s. 9. Exemption in favour of copper, brass, or other in-

ferior metal spun on thread or yarn, and sewed on silk used in theatrical entertainments.' s. 14.

No copper, brass, or other metal, silvered and drawn into wire, or flatted into plate or made into bullion, spangles, purl, or other material used in the making of lace, fringe, cord, embroidery, tambour work, or the imitation thereof, shall hold more or bear greater proportion than three pennyweights of fine silver to the pound avoidupois of such copper, brass, or other metal: penalty for offering to sale, or exporting a manufacture in greater proportion *5l.*, half to informer, half to H. M., with full costs. 28 Geo. 3, c. 7, s. 3. For the lace, embroidery, tambour work, &c., prohibited to be exported, see *Customs*. p. 122.

VII. SHEFFIELD PLATE.

Manufacturers of goods plated with silver within Sheffield, or one hundred miles thereof, may strike on any metal, vessel, or thing plated or covered with silver, their surname, also at the end of the same some mark, figure, or device, such marks not being in imitation of the marks used by the assay companies on wrought plate. The name and mark must be struck by one punch only, and previously to use be submitted to the examination of the assay office, Sheffield, approved by them and registered. Using any other marks or name than those registered, subjects to a penalty of 100*l.*, to be recovered in any court of record by action of debt. 24 Geo. 3, st. 2, c. 20, ss. 2—4.

VIII. DUTIES ON GOLD AND SILVER PLATE.

Every working gold and silversmith in Great Britain must with every parcel of gold or silver wares taken to any of the assay offices send a note containing his name, abode, year, and day of the month; the species, number, and total weight of each parcel of plate; he must also send and pay the duty chargeable on such parcel of plate. The duties are (55 Geo. 3, c. 185) 17*s.* on every ounce of gold plate (except watch cases), and 1*s.* 6*d.* on every ounce of silver plate brought to be assayed. 24 Geo. 3, st. 2, c. 53, ss. 4—6.

No maker or dealer in gold or silver shall sell, exchange, or expose to sale in Great Britain, any gold or silver vessel, or plate, or manufacture of gold or silver made after *Dec.* 1, 1784, until it has been marked by the assay office, with the new mark of the *king's head*, besides all the other marks directed by law, on pain of forfeiting 50*l.*, half to H. M., half to prosecutor. Jeweller's work, as before described, exempt. ss. 8, 9.

Clerk or accountant of the Goldsmiths' Company not making due returns of duties to forfeit 500*l.* Penalty of default in the companies of Edinburgh, York, &c., 50*l.* ss. 13, 14.

CHAP. XXXVII.

GUNPOWDER MANUFACTURERS.

Except in the powder-mills established in 1772, no person is allowed to manufacture gunpowder in any place without obtaining a license for the purpose, under penalty of forfeiting the gunpowder so manufactured, and 2*s*. for every pound. 12 Geo. 3, c. 61.

Using pestle mills subjects to like penalties. s. 2.

No person in any mill or engine to make at one time, under a single pair of millstones any quantity of powder, or materials for powder, exceeding forty pounds; penalty, forfeiture of the powder exceeding that weight, and 2*s*. per pound. s. 3. These regulations do not extend to fine fowling powder, called "Battle Powder," made at Battle, Browhunt, Seddelscombe, and Brede in Sussex. s. 5.

No greater quantity than forty hundredweight of powder to be dried at one time in one drying stove, &c., on penalty of forfeiture of overplus, and 2*s*. per pound. s. 6.

No greater quantity than is necessary for the immediate work then carrying on in corning, drying, or dusting houses, to be kept therein, or in any adjoining building, except in magazines of stone or

brick, distant fifty yards from powder mill. Penalty, forfeiture of overplus, and 2*s*. per pound. s. 7.

Besides such magazines, powder makers to have another remote from them, for keeping all powder made at the mill, and to which it must be removed as soon as convenient. Penalty for making gunpowder without such magazine 25*l*. per month, and 5*l*. for every day they wilfully neglect to remove it. s. 8. Such magazine must be well built of brick or stone, below Blackwall or in other convenient places licensed by the justices. s. 9.

Keeping charcoal within twenty yards from any powder-mill, drying or corning house, or magazine, penalty 5*l*. for every week. s. 10.

Illegal Quantities of Powder.—No dealer in gunpowder to keep exceeding two hundred pounds, nor any other person exceeding fifty pounds in one house or place in the cities of London or Westminster, or three miles thereof, or in any other city, borough, or market town, within one mile; or within two miles of the king's palaces or magazines; or half a mile of any parish church. Penalty, forfeiture of the overplus of powder kept, and 2*s*. per pound. s. 11.

Out of the limits mentioned three hundred pounds of powder may be kept for the use of any mine or colliery in a magazine or warehouse within two hundred yards. s. 12.

License for Powder-mills.—Persons intending to erect new powder mill or magazine, must give

fourteen days' notice (specifying the place where it is intended to erect them) to the churchwarden or overseer, who will cause such notice to be read on the following Sunday, after divine service, in the parish church. After such notice, application may be made to the justices in quarter sessions. s. 13.

Conveyance of Gunpowder.—No person to convey at one time, in G. B. more than 25 barrels of gunpowder in any carriage by land, or than 200 barrels in any vessel by water; such powder to be in barrels close joined and hooped without iron; each barrel to contain not more than 100 lbs., and when conveyed by land to be enclosed in a leather, or saltpetre bag, and in a carriage completely covered with wood, painted cloth, or tarpaulin; and no gunpowder to be conveyed by water (except as above) that has not a close deck, and as soon as put on board be covered with raw hides or tarpaulins. Penalty, forfeiture of the powder to the use of any person who may seize it, and who, for twenty-four hours after the seizure, may use carriage, vessel, or beasts employed in its conveyance. s. 18.

When a vessel arrives with stale or condemned gunpowder on board, at the wharf, no other gunpowder to be brought down to the wharf, or put on board, until the stale or condemned gunpowder has been landed and carried away. Penalty, forfeiture of the gunpowder landed or brought down contrary to the act. s. 19.

If any person having the care of any barge (except vessels with gunpowder imported from, or to be ex-

ported to places beyond sea, or going coastwise) loaded with gunpowder, or any other persons bring, have, or permit to be used on board, any charcoal, or other combustible matter, or any fire or lighted candle, or smoke on board, such persons to forfeit *5l.* s. 20.

Upon reasonable cause of suspicion assigned on oath, by any one person, any justice may issue his warrant for searching in the daytime any house, mill, shop, or wharf, or any carriage or vessel in which unlawful quantities of gunpowder are suspected to be kept or carried; provided any such prohibited quantity of gunpowder be found, it may be seized, and two justices on proof, adjudge it to be forfeited. s. 23.

For regulations as to the quantities of gunpowder allowed on board vessels in the Thames, see *Local Acts of the Metropolis*.

CHAP. XXXVIII.

GUNSMITHS.

No barrel shall be used in the manufacture of any gun, fowlingpiece, blunderbuss, pistol, or other firearms usually called small arms, unless the same has been duly proved at the proof-house of the gunmakers' company in London, or at some other law-

fully established proof-house. Using any barrel in the making or finishing of any small arm, or selling any barrel for the making of any small arm, which has not been proved and marked, subjects to a penalty of 20*l*. But this does not extend to Scotland or Ireland, or to the proving of barrels used in the manufacture of small arms for the East India Company, or H. M.'s forces, nor to barrels in the forged, ground, finished, or other state of manufacture, made of steel, or twisted steel, iron, or other barrels usually termed best barrels. 53 Geo. 3, c. 115, ss. 1, 2, 3; 55 Geo. 3, c. 59, ss. 5, 10.

All barrels brought to the proof-house established at Birmingham to be proved with powder of the quality of that used by the Board of Ordnance, and according to the scale of proofs used by the board; and when proved, to be marked with the letters B. P. C., a *crown* and *cross*, 53 Geo. 3, c. 115, s. 7. Barrels proved at the proof-house of the Gunmakers' Company, London, to be marked with a *cross*, a *crown*, and the letter V. 55 Geo. 3, c. 59, s. 4. Delivering any barrel from the proof-house, before being duly proved, penalty 10*s*.

If the proof-master or his assistant, or any other person in the United Kingdom put the proof mark on any barrel which has not been duly proved, he shall forfeit 20*l*. 55 Geo. 3, c. 59, s. 7.

If any person shall forge or counterfeit the marks used at any proof-house, or shall sell, or offer to sell or use, any barrel, in any progressive state of manu-

facture, whereon shall be such forged or counterfeit marks, he shall forfeit 20*l.* for every barrel. s. 6.

Every person who shall use, either by ribbing, break-off, fitting, rough-stocking, or other process in the manufacture of small arms, any barrel not duly proved, shall forfeit for each barrel, not exceeding 20*l.* 55 Geo. 3, c. 59, s. 1.

Every barrel for making small arms must, before sale or delivery, be sent direct from the manufactory to the proof-house, under penalty of not exceeding 10*l.* s. 2.

Any person receiving any barrel for the making of small arms, except from the proof-house, and after being duly proved and marked as such, to forfeit not exceeding 20*l.* s. 3.

Offences under these acts may be determined in a summary way before two justices for the county, city, or place, where committed, and the amount of forfeiture to be determined by the justices, not exceeding the sums mentioned. One witness is sufficient. Penalties go half to the informer, half to the poor.

CHAP. XXXIX.

HAWKERS AND PEDLERS.

Hawkers and pedlers, petty chapmen, and every other *trading* person in England, going from town to town, or to other men's houses, and carrying goods to

sell, must pay an annual license duty of 4*l.*; and if they travel with a horse, ass, or other beast, bearing or drawing burden, an additional duty of 4*l.* for each beast so employed. Before license can be obtained from commissioners of stamps or their deputy, a certificate must be produced, signed by a clergyman and two respectable housekeepers of the parish where the applicant has his usual residence, testifying that he is of good character and reputation, and a fit person to be licensed to exercise the trade of a hawker, pedler, and petty chapman. 50 Geo. 3, c. 41, s. 6; 1 & 2 Wm. 4, c. 22.

Hawkers and pedlers, unless householders, or residents in the place, not allowed to sell by auction, under penalty of 50*l.* 50 Geo. 3, c. 41, s. 7.

Every hawker must have inscribed, in Roman capitals, on the most conspicuous part of every pack, box, trunk, case, cart, or other vehicle in which he shall carry his wares, and on every room and shop in which he shall trade, and likewise on every handbill which he shall distribute, the words, *Licensed Hawker.* Penalty, in default, 10*l.* s. 14. Unlicensed persons wrongfully using this designation, to forfeit 10*l.* s. 15.

Hawkers dealing in smuggled goods, or in goods fraudulently or dishonestly procured, are punishable by forfeiture of license, and incapacity to obtain one in future. s. 16.

Hawkers trading without, or contrary to license, are liable to a penalty of 10*l.* s. 17. So, also, if they refuse to show their license, on the demand of

any person to whom they offer goods for sale, or on the demand of any justice, mayor, constable, or other peace-officer, or any officer of the customs or excise. By 5 Geo. 4, c. 83, hawkers, trading without a license, are punishable as vagrants.

To forge or counterfeit a hawker's license incurs a penalty of 300*l.* 50 Geo. 3, c. 41, s. 18. To *lend* or hire a hawker's license subjects lender and borrower to a penalty of 40*l.* each, and the license becomes forfeited. s. 19.

Hawkers trading without a license are liable to be seized and detained by any person, who may give notice to a constable, in order to their being carried before a justice of peace. Constables refusing to assist in the execution of the act are liable to a penalty of 10*l.* s. 21. Witnesses refusing to attend to give evidence may be fined 10*l.* s. 32.

Nothing in the act extends to prohibit persons from selling fish, fruit, or victuals; nor to hinder the maker of any home manufacture from exposing his goods to sale, in any market or fair, and in every city, borough, town corporate, and market-town; nor any tinker, cooper, glazier, plumber, harness-mender, or other person, from going about, and carrying the materials necessary to their business.

No person being a trader in any goods, wares, or manufactures of Great Britain, and selling the same by wholesale, shall be deemed a hawker; and all such persons or their agents, selling by wholesale only, may go from house to house, to any of their customers who sell again by wholesale or retail,

without being subject to any of the penalties above mentioned. 52 Geo. 3, c. 108. Nor is any person liable to penalties of 50 Geo. 3, by carrying about coals in carts, or on horses, asses, &c., and selling them by retail. s. 2. But persons hawking *tea* without license would be liable to penalty; and even with a license they would be liable to a penalty for selling tea in an unentered place..

CHAP. XI.

HOP-GROWERS AND EXPORTERS.

Every person who shall plant or have hops growing, whether for sale or not, to give yearly notice in writing, on or before August 1st, to the excise, of all the hop grounds in his possession, and of the name of the parish or place, and the name of the owner or occupier. Penalty for omission, 40*s*. an acre. 9 Anne, c. 12, s. 6. Officer receiving notice to enter the same in a book within five days after, on pain of 40*s*. s. 7. No person to use any storehouse or kiln for curing or keeping hops, unless notice thereof have been given, on pain of 50*l*. s. 8. Except in the night, and then with a constable, officers may enter at any hour, for the purpose of inspection; obstructing officer, penalty 20*l*. s. 15. All hops, within six weeks after bagging or picking, to be brought to be cured and bagged at such ousts or

other places notified, and no other, on pain of forfeiting 5*s*. a pound. s. 9.

Bagging and Weighing.—Owner of hops, before he begins to bag or weigh his hops, to send notice to the excise of the day and hour of beginning; twenty-four hours' notice sufficient, provided the time specified be between four in the morning and five in the evening. Penalty for bagging or weighing without notice 50*l*. 6 Geo. 1, c. 21; 39 & 40 Geo. 3, c. 81, s. 6.

Owner or grower of hops, before he begins to put any hops into a bag or pocket, to mark on the outside of the *bag*, in letters four inches long and half an inch broad, and on the outside of a *pocket* in letters three inches long and half an inch broad, with durable ink or paint, his name and place of abode, and the county and parish where such hops were grown. Penalty for omission, or for marking any wrong name or place, or any symbol denoting any other county or parish, 20*l*. for each bag or pocket, in moieties to H. M. and the informer. 39 & 40 Geo. 3, c. 81, s. 4; 54 Geo. 3, c. 123, s. 1.

Penalty 20*l*. for knowingly putting, or suffering to be put, hops of different qualities or value in the same bag or pocket. 54 Geo. 3, c. 123, s. 2.

Counterfeiting, obliterating, or removing any mark required to be put on any bag or pocket, 20*l*. 48 Geo. 3, c. 134, s. 2.

Hops not to be put into any bag the weight of which is in a greater proportion to the weight of the hops and bag together than 10 pounds to 112

pounds; penalty 20*l.* 39 & 40 Geo. 3, c. 81, s. 3.

Excise officer weighing and taking account of hops to charge the duty thereon, and to mark in large figures with ink or paint, on the outside of each bag or pocket, the weight thereof, the year of growth, and the number, from one upwards, according to the number charged to the owner. Penalty 100*l.* for counterfeiting or altering official mark or marks of owner, and 20*l.* for defacing or obliterating such marks, or conniving thereat. 39 & 40 Geo. 3, c. 81, s. 4.

Hops not to be removed from place where weighed to be charged with duty before expiration of twelve hours from time of weighing, unless they have been reweighed in less time by the supervisor. Penalty 50*l.* s. 5.

Owner to provide scales and weights, and permit supervisor to use them in reweighing, on pain of 50*l.* Providing or using false scales or weights, penalty 100*l.* and forfeiture thereof. s. 8.

Owner and servants to assist in reweighing the hops, when required by supervisor, on pain of 50*l.* s. 9.

Opposing, molesting, or assaulting any officer of excise in the execution of his duty, 100*l.* s. 10.

All fines and penalties under the act in moieties to H. M. and party informing. s. 11.

Exportation of Hops.—Hops must be exported in the original packages in which they were charged with duty, each package containing at least one

hundredweight of hops; and bond must be given to commissioners of excise that they shall not be re-landed, and that the duties have been duly charged. A drawback of the whole of the excise duty is allowed for every pound of hops grown, cured, and made fit for use in Great Britain, on exportation to foreign parts. 1 & 2 Geo. 4, c. 100.

Payment of Duty.—One moiety of the duty on all hops grown must be paid on the 1st of March and 1st of October next after the duty has been charged, on pain of forfeiting double the duty due and payable. 1 & 2 Wm. 4, c. 53.

CHAP. XLI.

HORSES AND HORSE-RACES.

The owner or keeper of every fair and market to appoint yearly a place for the sale of horses, from ten till sunset, and where toll may be taken, on pain of 40*s.*; and on like penalty, on every bargain, the buyer and seller and horse must be brought before him, and the names of the parties, their abodes, and colour of the horse be entered in a book. 2 & 3 Phil. & Mary, c. 7, s. 2.

Number of horses sold to be recorded in toller's book, on pain of 40*s.* s. 3.

Property in horses not altered by sale, gift, or exchange, in a fair or market, unless the horse has

stood there *one hour*, and been publicly ridden and entered in the toller's book as described. s. 2. By 31 Eliz. c. 12, s. 4, a horse that has been *stolen*, and sold agreeably to the provisions of 2 & 3 of Phil. & Mary, may be reclaimed any time within six months after, on repayment of the price paid by the buyer.

Selling a horse, without being known to the toll-taker, or bringing false voucher of name and abode, or toll-taker failing in duty, penalty in each case *5l.* 31 Eliz. c. 12, s. 2.

II. HORSE SLAUGHTER-HOUSES.

Keeping a place for slaughtering horses, asses, sheep, hogs, or other cattle, not killed for *butcher's meat*, without a license, or failing to give six hours' notice to the inspector previously to slaughtering or flaying of a horse, is felony, 26 Geo. 3, c. 71, ss. 1, 3. Destroying the hide or skin of any horse by lime, or other corrosive, is a misdemeanor. s. 9.

Keeper of slaughter-house to enter in a book the name, abode, and occupation of the owner of every horse brought to him to be killed; penalty 20*l.* or not less than 10*l.* for making a false entry. s. 10.

Penalty 20*l.* or not less than 10*l.* for occasionally lending any barn, house, or other place, for slaughtering horses, &c., without first taking out a license; half to the informer, half to the poor.

If any collar-maker, currier, feltmaker, tanner, dealer in hides, farrier, or other person, under colour of their trade, knowingly kill any *sound* horse, or

boil or cure the flesh thereof for the purpose of sale, they shall forfeit 20*l.* or not less than 10*l.* s. 15.

The act does not extend to any currier, felt-maker, or tanner, who kills distempered or aged horses, or purchases dead horses for use in the course of their trade; nor to farriers employed to kill aged or diseased horses, nor to any person who kills any horse or other cattle of his own to feed his own dogs. s. 14.

III. HORSE-RACES.

No person to enter or run a horse for any plate or prize, unless it be his own property, nor enter more than one horse for one prize; penalty, in either case, forfeiture of the horse or its value, half to the king, and half to him who sues. 13 Geo. 2, c. 19, ss. 1, 6.

No prize to be run for unless of the value of 50*l.* or upwards; penalty for running for a less prize 200*l.*, and 100*l.* on the person who prints, publishes, or advertises such race. s. 2.

Every race for any plate or prize must be begun and ended on the same day. s. 4.

All sums paid for entering any horse to run for a prize must be paid to the *second* best horse which shall run for the same. s. 7.

Horses may run for any prize issuing out of land or interest of money appropriated to the purpose at the passing of the act. s. 8.

The restrictions as to weights by 13 Geo. 2, c. 19, ss. 3, 5, and as to races being legal, for less than

50*l.* at Newmarket and Black Hambleton seem repealed by 18 Geo. 2, c. 34, s. 11.

Betting, losing, winning, and cheating, and the like, at horse-races, are within the statutes of gaming, for which see before, title *Games and Gaming*.

CHAP. XLII.

JUSTICES OF THE PEACE.

Justices of the peace are of three sorts: first by act of parliament, as the Bishop of Ely and his successors, the Archbishop of York and the Bishop of Durham, by 27 Hen. 3, c. 24. Secondly, by charter or grant made by the king under the great seal; as mayors and the chief officers in corporate towns. Thirdly, by commission.

The commission does not terminate with the demise of the crown, the 1 Anne, c. 8, s. 2, providing that no patent or grant of any office or employment shall determine by the king's death, but continue in force for six months after, unless in the mean time made void by his successor. Before his death the king may determine the commission at his pleasure; and that either expressed, as by writ under the great seal, or by implication, by making a new commission and leaving out the former justices' names. But until notice, or the publishing of the new com-

mission, the acts of the former justices are good in law. *Dalt.* c. 3.

Qualification of Justices.—No one is qualified to act as justice of peace in any county, riding, or division, unless possessed of freehold, copyhold, or customary estate, of the clear yearly value of 100*l.*, or of the immediate reversion of reserved rents to the amount of 300*l.*, and who has not taken and subscribed at some general session of the peace the oath specifying his qualification. Acting without such qualification or taking the oath, subjects to a penalty of 100*l.* 18 Geo. 2, c. 20.

No practising attorney, solicitor, or proctor, is qualified to be a justice of peace in any county, under penalty of 100*l.*, half to H. M., half to him who sues. 5 Geo. 2, c. 18, ss. 2, 3.

The qualification act does not extend to corporation justices, peers, privy councillors, under secretaries of state; nor to heads of colleges, or vice-chancellor of the two universities, or mayor of Oxford or Cambridge. And the two justices under the Metropolitan Police Act, 10 Geo. 4, c. 44, are exempt from a landed qualification.

Clerks of Justices.—Justices at their respective general quarter-sessions, may make tables of fees to be taken by clerks of justices, such tables to be approved by the judges at the next assizes. If any clerk of a justice, within three months after such table of fees is made and ratified, receive a greater fee than that specified, he shall forfeit 20*l.* to any person suing for the same. 26 Geo. 2, c. 14, ss. 1, 2.

Tables of fees so made, to be deposited with the clerk of the peace for the county, city or other division, who shall cause copies of such tables to be kept constantly in a conspicuous part of the room where the sessions are held, under penalty of 10*l.* s. 3.

In Middlesex the fees to be taken must be approved by the chief justices of the King's Bench and Common Pleas, and the chief baron, or any two of them. 27 Geo. 2, c. 16, s. 4.

In many cases the fees of justices are limited, and ascertained by express statutes.

Regularly, justices ought not to execute their office in their own case, but cause the offenders to be carried before other justices, or call in the assistance of other justices to be present. *Dalt.* c. 173. In a great variety of cases justices are disqualified by particular statutes, from taking a part in proceedings in which, from relationship or occupation, they may be supposed to be interested; such are the acts for licensing public-houses, for regulating the brewing, milling, and baking trades, and the glass manufacture. For the penalties to which they are liable in these cases, see the several subjects.

CHAP. XLIII.

LORD'S DAY.

All showing of goods, &c. (except necessary victual) shall cease, and no fair or market be held

on the principal festival-days, on Good Friday and Sundays, the four Sundays in harvest excepted. Penalty, forfeiture of the goods, &c., exposed to sale. 27 Hen. 6, c. 5.

All persons not having a lawful or reasonable excuse, shall endeavour to resort to their parish church or chapel, or to some congregation of religious worship, allowed by the Toleration Act, on every Sunday; on pain of punishment by the censure of the church, and also of forfeiting 1*s.* to the poor, to be levied by the churchwardens by distress. 1 Eliz. c. 2; 3 Jac. c. 4.

James I. in his *Book of Sports*, published in 1618, declared that *dancing, archery, leaping, vaulting, May games, Whitsun-ales, and morris-dances* were lawful; and commanded that no such "honest mirth and recreation" should be forbidden to his subjects on Sunday after evening service. After which it was enacted by 1 Car. 1, c. 1, that there should be no meetings or concourse of people out of their own parishes on the Lord's day for any sports and pastimes; nor any bear-baiting, bull-baiting, interludes, common plays, or other unlawful exercises used by any within their own parishes: every person offending herein, to forfeit 3*s.* 4*d.* to the poor.

No carrier, waggoner, carman, or drover shall, by themselves or others, travel on Sunday, on pain of forfeiting 20*s.*; nor shall a butcher, by himself or other with his privity, kill or sell any victual on that day, on pain of forfeiting 6*s.* 8*d.* Such offences being done

in view of any justice, mayor, or head officer of any city or town corporate, or proved on oath of two witnesses, the penalties may be levied by warrant by any constable or churchwarden. 3 Car. 1, c. 1.

All persons on the Lord's day shall exercise themselves in the duties of religion; no tradesman, artificer, labourer, or others, shall do any worldly labour of their *ordinary calling* on that day (works of necessity and charity excepted), and all persons fourteen years old and upwards offending herein, shall forfeit 5*s*. Persons crying or exposing to sale any wares, fruits, herbs, goods, or chattels on the Lord's day, are subject to a like penalty. 29 Car. 2, c. 7, ss. 1, 3.

No butcher or higgler or their servants to travel on Sunday, on penalty of 20*s*., nor any person to use any boat, wherry, lighter or barge (except allowed by a justice), on penalty of 5*s*.; one witness sufficient evidence. Prosecution must be within ten days after offence. ss. 2, 4.

No person on Sunday shall execute any writ, process, warrant, order, judgment, or decree (except in cases of treason, felony, or breach of the peace); such service is void, the person executing it is liable for damages as if he had acted without authority. s. 6. But this does not extend to ecclesiastical process, as citations or excommunications. *Gibs.* 271.

Milk may be sold on Sunday, before nine in the morning and after four in the afternoon; and mackerel before or after divine service, 10 & 11 Wm. 3, c. 24, s. 14. Forty watermen also may

ply on the Thames on Sundays, between Vauxhall and Limehouse, by 11 & 12 Wm. 3, c. 21, s. 13.

Sunday Debating.—Any house, room, or other place opened or used for public entertainment, or for public debating on any subject, on any part of Sunday, and to which persons are admitted by payment of money or by tickets sold for money, shall be deemed a disorderly house, and the *keeper* forfeit 200*l.* for every day it is opened, to any person suing for the same; the manager, chairman, or president of the meeting, to forfeit 100*l.*, and every door-keeper, servant, or other person who collects or receives money or tickets, or delivers out tickets, to forfeit 50*l.* 21 Geo. 3, c. 49.

Persons who appear to act as master or mistress, or have the management, are deemed *keepers* of such houses, and if more than one as partners or joint-owners, each is subject to penalty. Any house at which people are supplied with tea, coffee, or other refreshments on Sunday, at higher prices than those charged on other days, or at other coffee-houses or places where the same are usually sold, is deemed an admission by payment of money, though not taken at the time of entry or departure. So also is a house opened for public entertainment on Sunday, at the charge of a number of subscribers, and to which persons are admitted by the tickets of such subscribers. s. 2.

Advertising houses of entertainment of the description mentioned subjects to a penalty of 50*l.* s. 3.

Penalties must be sued for within six months,

and may be recovered by action in any court of record at Westminster, with full costs. ss. 4, 5.

Killing Game.—If any person *whatsoever* kill or take any game, or use any dog, gun, net, or other instrument for the purpose of killing or taking game on a *Sunday* or *Christmas-day*, such person shall forfeit, on conviction by two justices, any sum not exceeding *5l.*, with the costs of prosecution. 1 & 2 W. 4, c. 32, s. 3. For the regulations of Bakers on Sundays, see *Bread*, pp. 47, 49.

CHAP. XLIV.

MALTSTERS.*

Every maltster or maker of malt to make entry in writing, at the next office of excise, of his name and place of abode, of every building, place, kiln, cistern, couch frame, and other vessel intended to be used in the making or keeping of malt, or for the keeping

* The two acts regulating the manufacture of malt are the 7 & 8 Geo. 4, c. 52, and the 11 Geo. 4, c. 17. The former act imposes no fewer than one hundred and six penalties, amounting in all to 13,500*l.* Its embarrassing and perplexing provisions were objected to both by exciseman and maltster, and were ably exposed by Mr. M'Culloch in the *Edinburgh Review*, which gave rise to the amending act of the 11 Geo. 4. We have construed the two acts together, omitting the repealed clauses. Maltsters are required to take out a license, the cost of which varies with the quantity of malt made.

of corn for malting, describing in such entry the particular use of each. Penalty for omission 100*l.* 7 & 8 Geo. 4, c. 52, s. 1.

One room may be used for keeping malt and grain, provided they be kept separate and unmixed, except in the case of distiller or maltster of Scotland or Ireland, who enter to make or distil from malt only. 11 Geo. 4, c. 17, s. 1. Except, too, a maltster in Scotland or Ireland, making malt for distillation only, *any* maltster, on giving twenty-four hours' notice in writing, if in town, or elsewhere forty-eight hours, of his intention, may use a kiln entered for malt, for drying barley or other grain. *id.* s. 2.

Cisterns and Couch Frames.—Every cistern used by any maltster who shall steep more than eight bushels at one time, to be made with the sides and ends straight and at right angles, and of no greater depth in any part than forty inches, having an even bottom, with no more inclination for the drip than half an inch for every foot in length; such cistern to be so placed that the officer have sufficient light and a clear open space of forty-eight inches above every part of cistern; maltster to provide sufficient means to enable officer to gauge the corn in every part of the cistern; and every vessel or place used to wet or steep corn to be deemed a cistern. Maltster to obtain certificate from supervisor that cistern is properly constructed; steeping corn without such certificate, subjects to penalty of steeping without notice. 7 & 8 Geo. 4, c. 52, ss. 2, 3.

Maltster having obtained certificate, not keeping

requisite means for the officer to gauge, or not assisting him to the utmost, to forfeit 100*l.* s. 4.

Every *couch frame* to be made with the sides and bottom straight and at right angles to each other, having three sides permanently fixed, and the other side formed by moveable boards of two inches in thickness; such couch to be so supported on the outside in every part as to be of the same capacity when filled with grain as when empty. Penalty for using couch otherwise made, forfeiture of the corn found therein, and 100*l.* s. 5.

But, subject to approval of commissioners, any cistern made before the passing of the act (1827) need not have a clear space of forty-eight inches above, so that the officer has sufficient head room and light; and couch frame made prior to 1827, subject to like approval, need not have three sides permanent. 11 Geo. 4, c. 17, s. 3.

Officer may enter premises at any time by night or day, and examine and gauge vessels; may leave a *specimen book* for recording minutes of entries made; and any maltster or other person, not being an officer, who shall remove or conceal such book, or alter or deface any entry therein, he shall forfeit 200*l.* 7 & 8 Geo. 4, c. 52, ss. 7, 8.

Obstructing or molesting any officer in discharge of his duty, penalty 300*l.* s. 9.

Where the minutes of any entries in taking account for the duties do not appear in the specimen book, officer required to give a copy of his charge

for the duty returned to the commissioner, if demanded at *any time* in writing by the maltster. 11 Geo. 4, c. 17, s. 4.

Notice of Stock.—Within ten days after July 5th in every year, maltster to deliver to officer an account of all barley not in course of malting, and the buildings in which it is deposited; penalty for neglect or refusal 100*l.* 7 & 8 Geo. 4, c. 52, s. 12.

Maltster, so soon as he has dried off all the malt in operation in any malthouse, and within twenty-four hours at the least before he begins to wet again, must deliver to officer an account of all barley in his possession, and must show the same to officer, if required; penalty for neglect or refusal, or delivering false account, 50*l.* s. 13.

Barley when not in operation to be so cast as officer may conveniently gauge the same, on pain of forfeiting 100*l.* s. 14.

Notice of Wetting.—Maltster to give twenty-four hours' notice to the officer before he begins to wet corn, if the malthouse be in a city or market-town, and forty-eight hours if situated elsewhere. Penalty for neglect 100*l.*, and notice void if the whole of the corn be not covered with water within three hours of the time specified in the notice. 11 Geo. 4, c. 17, s. 7.

Book to be delivered to maltster by excise, in which to be entered within three hours after, the day and hour, and quantity of corn wetted or covered with water, and on the next survey produce such book to the officer for his information. Penalty for omitting

to make entries, or to produce the book, or for having more or less grain in steep than entered by one-twentieth part, 50*l.* s. 8.

Draining off.—Maltster to keep the grain in the cistern covered with water for at least forty hours, on pain of 100*l.* But the water may be once drained during the forty hours' steeping, on notice being given of the day and hour, between eight in the morning and two in the afternoon, and provided the corn be again covered with water before the expiration of one hour from the time of the water being begun to be drawn off. ss. 13, 14.

No corn to be added to that in steep after officer has taken an account, on pain of 200*l.* 7 & 8 Geo. 4, c. 52, s. 26.

Corn to be emptied out of cistern only between seven in the morning and four in the afternoon, on pain of 100*l.* s. 27.

Maltster using more cisterns than one under the same roof, the whole to be emptied at the same time, so that the emptying of every cistern be finished at least within three hours after beginning to empty. Penalty 200*l.* s. 30.

Removal from Cistern.—Maltster removing grain from the cistern so that no gauge can be taken in the couch frame, to forfeit 200*l.* s. 31.

Corn emptied from one or more cisterns into the couch to be laid flat and level, and not of greater depth than thirty inches. Penalty 200*l.* Corn may be emptied from the couch at the expiration of

twenty-six hours, and be then deemed and taken an account of by officer, as in couch for thirty hours from time of being emptied from cistern. *id.* s. 32; 11 Geo. 4, c. 17, s. 16.

Treading Corn.—If maltster tread or force corn together in the cistern or couch, or if it be found so hard and compact that it could only have been effected by treading or other means, penalty 100*l.* 7 & 8 Geo. 4, c. 52, s. 33.

Officer suspecting corn to have been forced together he may have the same turned out of *cistern* or *couch;* if on laying the corn level again in the *cistern* an increase in the gauge or quantity is found in a greater proportion than one bushel in twenty, or in the *couch* an increase of six bushels and one quarter in every 100 bushels, then such increase in either case to be deemed conclusive evidence that the corn has been trodden or forced together. Maltster refusing to assist officer, or any person acting in aid of officer in such trial, to forfeit 100*l.* *id.* s. 34; 11 Geo. 4, c. 17, s. 17.

Sprinkling Corn.—If maltster wet, water, or sprinkle corn before the expiration of *twelve* days or 288 hours after the same has been emptied out of the cistern, he shall forfeit 200*l.* But if corn has been steeped fifty hours, and there be no other corn on the floor in the same malthouse, which has been steeped for any less time, the maltster may sprinkle such corn any time after the expiration of *eight* days or 198 hours after the same has been emptied from

cistern, without being liable to penalty. *id.* s. 35; 11 Geo. 4, c. 17, s. 18.

Number of Floors.—No maltster at one and the same time to have more than five floors or quantities of corn making into malt in the couch, or on the floor or kiln, steeped in and arising from one or more cisterns emptied into one and the same couch. Penalty for having more than five floors 200*l.*; but penalty does not attach for dividing any one or more floors into separate pieces for the conveniency of working, nor for separating the oldest floor or quantity for the purpose of removing the same to the kiln to be dried. 7 & 8 Geo. 4, c. 52, s. 36.

Floors to be in regular form and levelled so as to admit of being conveniently gauged, and be laid in succession one before the other, according to the seniority or age of such floors or quantities of corn. Penalty 100*l.*; but no penalty for the sides or outward edges not being in straight lines. *id.* s. 37; 11 Geo. 4, c. 17, s. 19.

If maltster mix, either on the floor or on the kiln, corn of one steeping with corn of another steeping, he shall forfeit 200*l.* 7 & 8 Geo. 4, c. 52, s. 38.

If maltster wet, sprinkle, or damp malt after it has been taken off the kiln, and before it be delivered to the brewer or other purchaser, to forfeit 100*l.* s. 39.

If maltster or other person fraudulently deposit, conceal, or convey away from the sight of the officer any malt, or corn making into malt, he shall forfeit

200*l.*, together with the malt or corn so fraudulently disposed of. 7 & 8 Geo. 4, c. 52, s. 40.

If maltster remove or send away any malt from the building where the same has been made, before it has been taken an account of, and charged with duty by the officer; or if any person receive or have in possession such malt, the offender in either case to forfeit, together with the malt, 200*l.* s. 41.

Allowances on the Gauge.—When the duty on malt is charged by gauge, while the corn is in process of making into malt, the following allowances to be made: Upon every gauge taken in the cistern where the corn is steeping, or in the couch frame into which such corn is emptied, or on the floor, during the period for which such corn is required to be kept and continued in such couch frame, and directed to be deemed in couch, and gauged and taken account of as in such couch, an allowance to be made of 17 bushels and one half-bushel in every 100 bushels of the whole quantity of the corn or grain so found by such gauge; and upon every gauge taken of such corn on the floor after the expiration of twenty-six hours, if such corn have been previously gauged and taken account of in the couch frame, and if such corn have not been so previously gauged, then after the expiration of thirty hours and before the expiration of seventy-two hours from the time when such corn was emptied from the cistern, an allowance to be made of one-third of the whole

quantity of the corn so found by such gauge; and upon every gauge afterwards taken of such corn before the same be dried, an allowance to be made of one-half of the whole quantity of such corn so found by such gauge: and the duty of excise, when charged upon the corn in process of making into malt, to be charged on the *best* of the several gauges so taken after such allowances have been so made thereon respectively. 11 Geo. 4, c. 17, s. 21. The allowance granted on unscreened malt measured from the kiln repealed. s. 22.

Payment of Duties.—Officer of excise to make a return to the collector of the duty charged on every maltster in his survey every six weeks; the amount of such return to be paid by the maltster within six days after, unless he have given security by bond in double the value of the duties which the commissioners think likely to accrue within eighteen weeks, and for due payment of the same at the expiration of that period. Penalty on maltster who has not given security, or not maintained or renewed the same when required, or who within the six days mentioned has not cleared off the duties, double the amount of duties neglected to be paid. s. 26. No security for duties on malt made for distilleries in Scotland or Ireland to be accepted; but duties to be paid within the six days. s. 27.

Punishment of Servants.—If any workman or servant of a maltster, maliciously and with intent to injure him, begin to wet or steep corn at any other time than between eight in the morning and two in

the afternoon; or empty corn out of the cistern at any other time than between seven in the morning and four in the afternoon; or sprinkle corn before the expiration of twelve days, or mix corn of different steepings; or if he omit to give any notice, or to do any act required to be done, or do any act prohibited, whereby the maltster is injured or subjected to penalty, such workman or servant may be arrested, and, on conviction before one justice, be imprisoned to hard labour for any time not exceeding twelve, nor less than three months. 11 Geo. 4, c. 17, s. 35; 7 & 8 Geo. 4, c. 52, s. 46.

II. BREWERS AND DISTILLERS.

The remaining penalties of the Malt Act (7 & 8 Geo. 4, c. 52) relate in part solely to Ireland, and in some part also to Scotland.

Brewers in Ireland to make entry of all premises and utensils used for brewing or storing beer, under penalty of 100*l.* s. 54. Such brewers to specify in their entry all places intended to be used for keeping malt; penalty on keeping malt in any place not specified in such entry 200*l.* s. 55. Officers may enter any building or other place used by such brewer, for the purpose of inspecting or taking an account of beer or malt therein; penalty on obstructing officers, &c., 200*l.* s. 56. The different quantities of malt stored and used by such brewers to be entered in a book to be kept for the inspection of the officers. s. 57. Malt in stock to be laid re-

gularly and even, to enable the officers to gauge the same ; and if any excess or deficiency be found, brewer deemed to have received or used malt without making entry. s. 58. The book to be entered up before account taken by officer; and in case of dispute, brewer may measure the malt in stock. s. 59. Brewers not consuming the whole of their malt in brewing, or sending out the same, or any worts, to forfeit 200*l.*; but commissioners in Ireland may authorize brewers to malt under special circumstances. s. 60. Brewers to give notice before beginning to mash any malt, of the quantity intended to be used, under a penalty of 100*l.* s. 61. Mashed malt not to be used till gauged and taken an account of by the officer, under penalty of 100*l.*; but with a proviso for the relief of brewers having given due notice, and the officer not attending. s. 62. Brewers to make declaration in the book, of the strength and quantity of beer brewed. s. 63. Brewers having or using any ingredient in addition or as a substitute for malt or hops, or for the colouring of beer, to forfeit 200*l.* s. 64. Persons knowingly selling such ingredients to brewers to forfeit 200*l.* s. 65.

From 10th October, 1827, the allowance on spirits distilled from malt in Scotland or Ireland, to be made only to distillers making their spirits from malt made under the regulations of this act. s. 66. Storehouse to be provided by distiller, and approved of by the collector and supervisor, who are to provide locks, &c., at the expense of distiller;

and distiller refusing to pay for locks, or destroying them, &c., to forfeit 100*l.* s. 67. Distiller to give notice of taking malt off the kiln, under penalty of 50*l.* s. 68. Malt, when fully dried, to be measured in the officer's presence, and directly secured in storehouse, under the penalty of 50*l.* s. 69. Distiller to enter into a book the quantity of malt carried into and removed from the storehouse to be used in the distillery, under penalty of 200*l.* s. 70. Distiller desirous of removing malt from a malthouse to a distillery, to give notice to the proper officer, who is to attend and grant a permit. s. 71. Malt in stock to be laid regular and even, so that the officers may gauge the same, under penalty of 100*l.*; and if any excess above one in twenty bushels be found, distiller to be deemed to have carried malt into the storehouse without notice; and if any deficiency, to have taken malt from the storehouse without entry. s. 72. Distiller clandestinely removing any barley or malt out of the storehouse, on not consuming the same in the distillery, &c., to forfeit 100*l.* s. 73.

From 10th October, 1827, the allowances granted by 6 G. 4, c. 58, to maltsters or distillers, shall not be made, except for spirits distilled from malt made and charged as herein described: and an account is to be delivered and declaration made as provided by recited act, except as to mashing permits. s. 74. Proviso, that persons other than distillers or makers of low wines or spirits in Scotland or Ireland, or spirits made from malt only, may make entry of

premises for making malt to be consumed only in the distillation of spirits from malt only. s. 75.

III. IMPORT AND EXPORT OF MALT.

The importation of malt is prohibited on pain of forfeiture. 3 & 4 Wm. 4, c. 52, s. 58.

No malt entered and made for exportation only, to be subject to the duties; and no drawback to be allowed for malt exported. 33 Geo. 2, c. 7, s. 14.

Every maltster, before he begins to wet grain to be made into malt for exportation, must leave notice in writing with the officer, of the quantity of grain intended to be contained in each steeping, on pain of 50*l*., and the same to be kept separate from all other corn to be made into malt for home consumption, on pain of 5*s*. a bushel. 12 Geo. 1, c. 4. ss. 49, 58.

Grain making into malt for exportation to be kept separate until it has been measured in presence of an officer, on pain of 50*l*. 3 Geo. 4, c. 18, s. 12.

Notice to be given to officer in writing of the hour when malt for exportation is to be taken off the kiln, that the officer may attend the measuring of such malt; after the measuring, the malt to be immediately taken on shipboard, or be locked up in a place of security belonging to the maltster, on pain of 50*l*. s. 13. Such place of security not to be opened without giving notice to the officer, on pain of 100*l*. s. 14. Storehouse used for securing malt for exportation to be cleared out every fifteen months, after the 5th of July, on penalty of 50*l*. s. 15.

Malt, relanded after being shipped for exportation, becomes forfeited, and treble its value, half to the king, half to the informer. 3 Geo. 4, c. 18, s. 16.

CHAP. XLV.

MASTER, SERVANT, AND APPRENTICE.

No master or mistress to put away a servant, nor servant to leave his service before the end of his term, without reasonable cause, to be allowed by one or two justices, on penalty of 40*s*. 5 Eliz. c. 4, s. 5.*

No master or mistress shall discharge a servant before the end of his year (unless for reasonable cause to be allowed at assize or sessions) without giving him one quarter's warning before such end; nor shall a servant leave service without a quarter's warning before the end of such service: penalty in either case 40*s*. ss. 6, 8.

Employing a servant without a certificate from the town or place where last employed, subjects the employer to a penalty of 5*l*. ss. 10, 11.

Artificers and labourers hired by the day or week, shall, between the middle of *March* and *Sept.*, be

* The penalties in this statute apply only to servants in husbandry, hired by the year, not to domestic servants nor to any description of artisans and labourers, unless specifically retained according to the act.

at work by five in the morning, and continue till between seven and eight at night (bating two hours and a half for meal times), and between middle of *Sept.* and *March*, shall be at work from spring of day till night (except time for breakfast and dinner) on pain to forfeit 1*d.* for every hour's absence, to be deducted from their wages. 5 Eliz. c. 4, s. 12.

Artificer and labourer lawfully retained on any work taken by piece, task, or gross, shall not leave it unfinished, unless for non-payment of wages agreed upon, under pain of one month's imprisonment, and the forfeiture of 5*l.* to his employer. s. 13.

Negligence of Servants.—If any menial or other servant, in Great Britain, through negligence, fire any house or other building, such servant being convicted by one witness before two justices, shall forfeit 100*l.*, to be distributed among the sufferers by such fire; or in default of payment be imprisoned to hard labour for eighteen months. 14 Geo. 3, c. 78, s. 84.

Certificate of Character.—If any person falsely personate any master or mistress in order to give a servant a character; or if any master or mistress knowingly give in writing a false character of a servant, or a false account of former service; or if a servant shall falsely represent his former service, or bring a false or forged character, or alter or erase any matter contained in any certificate of character given to him: in any of these cases the penalty on the offender is 20*l.* with 10*s.* costs, half to informer, half to the poor; or in default of payment, impri-

sonment to hard labour for three or not less then one month. 32 Geo. 3, c. 56, ss. 1—6.

No one is liable for any representation of the character, conduct, credit, or ability of another, in order that the latter may obtain *credit*, *money*, or *goods*, unless such representation be made *in writing* signed by the party to be charged therewith. 9 Geo. 4, c. 14.

II. APPRENTICES.

No master, wardens, or fellowships of crafts, nor rulers of fraternities, shall for entry of any apprentice into their company charge above 2*s*. 6*d*., nor above 3*s*. 4*d*. for his entry when his term has expired, on pain of 40*l*., half to the king, half to the suer. 22 Hen. 8, c. 4.

Master, warden, &c., covenanting with an apprentice, or journeyman, not to set up or keep a shop, house, or cellar, after expiration of their term, subject to penalty of 20*l*. 28 Hen. 8, c. 5.

Churchwardens and overseers, with the consent of two justices, may bind apprentice the children of the poor, and if any refuse to accept such apprentice they shall forfeit 10*l*. 5 Eliz. c. 4.

Two justices, on complaint of ill usage by an apprentice put out by the parish, or on whose binding no more than 5*l*. was paid, may discharge the apprentice; and in case of a parish apprentice, may compel the master to give up his clothes and pay 10*l*. to the overseers and churchwardens to be ap-

plied for the benefit of the apprentice. 20 Geo. 2, c. 19, s. 3; 32 Geo. 3, c. 57, s. 11. The provisions of these acts are extended by 4 Geo. 4, c. 29, s. 2, to apprentices whose premium does not exceed 25*l.*

A parish apprentice cannot be transferred to another or be dismissed without consent of two justices, under penalty of 10*l.* 56 Geo. 3, c. 139, ss. 9, 10.

Overseers to keep a register book of parish apprentices for inspection of justices, under penalty of 5*l.* 42 Geo. 3, c. 46, ss. 1, 2. Any one may inspect such book, at reasonable hours, on the payment of 6*d.* s. 3.

A person, having a parish apprentice, who is about to remove from the country, or forty miles distant from the parish, must, fourteen days previous to such removal, give a written notice to the churchwardens and overseers in order to determine whether it be fit the apprentice should continue in his service. Penalty for removing without such notice 10*l.* 56 Geo. 3, c. 139, s. 8.

III. APPRENTICES TO SEA SERVICE.

Two justices, as also churchwardens and overseers of the poor, with the approbation of such justices, may bind out boys of the age of ten years or more, who shall be chargeable, or whose parents are chargeable to the parish, or who shall beg for alms, to be apprentices to the sea service till twenty-one years of age. 2 & 3 Anne, c. 6, ss. 1, 3.

Masters of ships not obliged to take boys under thirteen, or who do not appear fitly qualified as to

health and strength for the sea service. Fifty shillings payable to the master on the binding, to provide clothes and bedding for apprentice. Apprentice protected from impressment till eighteen. Masters of ships, from thirty to fifty tons, obliged to take one apprentice; and one more for the next fifty tons; and one more for every hundred tons such ship shall exceed one hundred tons burden. Penalty on master, for refusing, 10*l.* s. 8.

By 4 Geo. 4, c. 25, s. 2, every master of a merchant ship exceeding eighty tons burden, shall have on board at clearing out from any port in Great Britain one or more apprentices in the following proportion to her registered tonnage; that is, for every ship exceeding eighty and under two hundred tons, one apprentice at least; for every ship of two hundred and under four hundred tons, two apprentices at least; for eveiy ship of four hundred and under five hundred tons, three apprentices at least; for every ship of five hundred and under seven hundred tons, four apprentices at least; for every ship of seven hundred tons and upwards, five apprentices at least, who shall at the period of being indentured respectively be at the age of seventeen years: provided that every apprentice be duly indentured for at least *four* years, and the indenture be enrolled at the custom-house of the port whence the ship shall first clear out after the execution.

Apprentices so enrolled are protected from naval impressment until they attain the age of twenty-one years. Master or owner of ship neglecting to enrol

the indenture with the collector or controller of the customs, or suffering apprentice to leave his service, except from some unavoidable cause, to be certified in the logbook, shall for every offence forfeit 10*l.* s. 4.

Apprentices Enlisting.—Apprentices enlisting in the army and concealing their apprenticeship when brought before a magistrate to be attested may be indicted for obtaining money under false pretences, and if after the expiration of their apprenticeship they do not surrender to a recruiting officer, they may be apprehended as deserters. 10 Geo. 4, c. 6, s. 38.

CHAP. XLVI.

MEDICINE VENDERS.

License.—Every proprietor and maker of, and every person in Great Britain, exposing to sale any drugs, herbs, pills, waters, essences, tinctures, powders, or other preparations intended as medicines for the human body; or any packets, boxes, bottles, pots, phials, or other enclosures with any contents subject to the duties on medicines, shall annually take out a stamp license, for which shall be paid, if for London or within the limits of the twopenny post, or for Edinburgh, 40*s.*; if for any city, borough, or town, corporate, or Manchester, Birmingham, or Sheffield, 10*s.*; elsewhere 5*s.* Penalty for selling any medicine liable to duty, without license, 20*l.* 42 Geo. 3, c. 56.

Victuallers, confectioners, pastrycooks, fruiterers, or other shopkeepers, who only sell any of the *artificial or other waters* mentioned in the schedule of medicines subject to duty, and which are drank where sold, provided they be sold in bottles with paper covers or labels stamped, need not take out a license. 52 Geo. 3, c. 150, s. 4.

But by 3 & 4 Wm. 4, c. 97, s. 20, "all artificial mineral waters and all waters impregnated with soda or mineral alkali, or with carbonic acid gas, and all compositions in a liquid or solid state to be used for the purpose of making any of the said waters," are to be omitted from the schedule of medicines subject to duty.

II. DUTIES ON MEDICINES.

For and upon any bottle, pot, phial, or other enclosure, containing any drugs, herbs, pills, waters, or other preparation intended to be used as medicine for the human body; where such packet, box, bottle, pot, phial, or other enclosure, with its contents shall

	£	s.	d.
Not exceed the price of 1s. . .	0	0	1½
Not exceed the price of 2s.6d. .	0	0	3
Not exceed the price of 4s. . .	0	0	6
Not exceed the price of 10s. .	0	1	0
Not exceed the price of 20s. .	0	2	0
Not exceed the price of 30s. .	0	3	0
Not exceed the price of 50s. .	0	10	0
Exceeding the price of 50s. . .	1	0	0*

* *Discounts.*—To persons who at once purchase stamp labels for medicines, the duty whereon amounts to 5*l.* or upwards, five

Persons vending or buying any medicine without the paper cover, wrapper, or label, denoting the stamp duty, to forfeit 10*l.* 52 Geo. 3, c. 150, s. 2.

Persons receiving for sale from proprietor or first vender medicines subject to duty, without the labels, not returning such medicines, or informing Stamp Office, to forfeit 10*l.* 43 Geo. 3, c. 73.

Persons fraudulently taking off any stamped labels after the medicines are sold, or using such labels a second time, to forfeit for every offence 20*l.* 42 Geo. 3, c. 56, s. 13.

Persons buying or selling stamped labels for the purpose of being used a second time, or selling any packet with such a label, to forfeit 20*l.* Either the buyer or seller informing against the other is indemnified. ss. 14, 15.

On the outside of parcels or boxes containing one dozen or more enclosures of medicines subject to duty, sent by any public conveyance, by the proprietor to the retail vender, or to be exported, must be inscribed "*Medicines.*" Officers of customs or excise may open suspected parcels, and finding any articles not properly labelled, they may be seized. 43 Geo. 3, c. 78, s. 3.

per cent.; amounting to 50*l.* or upwards, ten per cent.; and amounting to 100*l.* and upwards, the abatement for prompt payment is twelve and a half per cent.

The duties must be paid by the owner before the medicines are delivered out of his possession for sale, or to be in any way exposed to sale. 42 Geo. 3, c. 56, s. 3.

III. MEDICINES SUBJECT TO DUTY.

The following is the schedule of medicines subject to duty, referred to in 52 Geo. 3, c. 150, and as amended by 3 & 4 Wm. 4, c. 97, s. 20.

Adam's Solvent.
Addison's Reanimating European Balsam.
Æthereal Anodyne Spirit.
Ague and Fever Drops (by Wilson).
Allan's Nipple Liniment.
Amboyna Lotion.
——— Mouth Powder.
——— Tooth Powder.
American Alterative Pills.
——— Salve.
——— Soothing Syrup.
——— Tincture.
Andalusia Water.
Anderson's Scott's Pills.
Angiband's Lozenges of Blois.
Anodyne Necklace.
Anti-apoplectic Pills.
Appleby's Tea.
Arabian Balsam.
Arnold's Drops.
——— Pills.
Arquebusade Water.
Aromatic Spirit of Vinegar.
——— Condensed.
Asiatic Bilious Pills.
——— Tonic Tincture.
Austin's Chalybeate Pills.
——— Liniment.
Balm of Mecca.
——— of Quito.
Balsam of Iceland Liverwort.
Barclay's Antibilious Pills.
——— Asthmatic Candy.
——— Ointment.
Barlowe's Specific Medicine.
Barron's Cachou de Rose Lozenges.
Barton's Alterative Pomade.
——— Vital Drops.
Bateman's Drops.
——— Golden Spirit of Scurvy Grass.
——— Plain Spirits of ditto.
Bath's Pills.
Bayley's British Tooth Powder.
——— Ointment.
Bayley's Pectoral Pills.
Beaseley's Family Plaister.
Beaume de Vie.
Beiker's Tincture.
Bell's Restorative Pills.
Bennet's Worm Powders.
Benzoin, Essence of.
Berry's Bilious Pills.
Betton's British Oil.
Bird's Ague Tincture.
Birt's Martial Balsam.
Blair's Cephalic Fluid.
Blenkensop's Bilious Pills.
Boerhaave's Antiscorbutic Wine.
Bolderson's Worm Cakes.
Bollman's Specific.
Bolton's Asthmatic Tincture.
Bostock's Cordial.
——— Grand Elixir.
Bott's Corn Salve.
——— Tooth Powder.
Bourne's Æthereal Essence.
Box's Magnesia Lozenges.
Brabham's Oil.
Brandon's Composition, or Medicine for the Evil and Scrofula.
Brazil Salts.
Brodum's Botanic Pills.
——— Botanical Syrup.
——— Nervous Cordials.
Browne's British Pills.
——— Rheumatic Powders.
——— Tincture of Yellow Bark.
Bryant's Essence of Coltsfoot.
Burridge's Specific for Rheumatic Gout and Rheumatism.
Byron's Pills.
Bythell's Pectoral Lozenges.
Camphor, Æthereal Essence of.
Catharmian Water.
Cathcart's Edinburgh Ointment.
——— Water.
Cephalic Snuff.
Chamberlain's Ointment.
——— Pills.
Chapman's Cerate.

Chapman's Chilblain Water.
Ching's Worm Lozenges.
Chinner's Pills.
Church's Anodyne Essence.
——— Antispasmodic Elixir.
——— Chilblain Ointment.
——— Cough Drops.
——— Eye Salve.
——— Pectoral Pills.
——— Volatile Tincture.
Clewal's Syrup.
Clinton's Oil for Deafness.
——— Snuff.
Clyde's Balsam.
——— Ointment.
Coates's Cough Drops.
Collier's Assistant Pills.
——— Ointment.
——— Remedy for Fistula and Piles.
Complin's Specific.
Cooke's Rheumatic Pills.
——— Family Pills.
Cordial Balm of Gilead.
Cornwell's Fruit Lozenges.
——— Opodeldoc.
——— Oriental Vegetable Cordial.
Costello's Cerate.
——— Collyrium.
——— Liniment.
Collier's Resolvent and Healing Plaister.
Cox's Tincture.
Coxwell's Castor Oil Medicine.
Culpeper's Herb Cordial.
Cundell's Balsam of Honey.
Curtis's Syrup.
Daffy's Elixir, by whomsoever made.
Dalby's Carminative.
Dalmahoy's Sal Poignant.
——— Tasteless Salts.
Dawson's Lozenges.
Deering's Drops.
Delescot's Myrtle Opiate.
De Velnos's Pills.
——— Syrup.
Dicey and Co.'s Bathing Spirits.
Dickenson's Cephalic Drops.
——— Red Drops for Convulsions.
——— Drops for Fits.
Dixon's Antibilious Pills.
Donovan's American Vegetable Syrup.
Doranstorff's Opodeldoc.
Dutch Drops.
Earl's Remedy for the Hooping Cough.
Eau de Cologne.
Eau Medicinale de Russon.
Edge's Chronic Embrocation.
——— Universal Cerate.
Edwards's Ague Tincture.
——— Nipple Ointment.
Elixir of Longevity, or Swedish Preservative.
Ellis's Aperient Pills.
Essence Kayou Ponti.
Falck's Cerate.
——— Universal Pills.
Felton's Mucilage of Marsh Mallows.
Findon's Drops.
Fisher's Golden Snuff.
Flexney's Wart Dissolvent.
Fogoni's Tincture.
Ford's Balsam of Horehound.
Foredyce's Cooling Opening Pills.
Foreign Medicine of all kinds, except Drugs.
Fothergill's Pectoral Pills.
——— Restorative.
France's Elixir.
Freake's Tincture of Bark.
Freeman's Bathing Spirits.
——— Eye Water.
——— Gutta Salutaris.
Friar's Balsam.
Friend to Man.
Frith's Antibilious Elixir.
Fry's Worm Pills.
Gall's Antibilious Pills.
Gamble's Aromatic Snuff.
——— Sanative Tea.
Garaveni's Styptic.
Garderner's Ointment.
——— Pills.
German Corn Plaister or Salve.
Gifford's Pills.
Gilbert's Roseate Lotion.
Glasse's Magnesia.
Godbold's Balsam.
Godfrey's Cordial.
——— Rose Lozenges.
Gordon's Pills.
Gould's Powders and Lotions.
Gowland's Lotion.
Grand Specific, or Infallible Antidote to Consumption.
Grant's Drops.
——— Lisbon Tonic Pills.
Green's Honey Lozenges.
——— Oil, or Infallible Oil.
——— Toothache Pills.
Greenhough's Tincture.
——— Tolu Lozenges.
Grey's Lozenges.
——— Tooth Powder.

Griffin's Asthmatic Drops.
Guest's Lotion.
——— Pills.
——— Powder.
——— Tooth Powder.
——— Welcome Guest.
Haarlam's Drops.
Hadley's Convulsive Powders.
Hallam's Anime of Quassia.
——— Antibilious Pills.
——— Quassia ditto.
Hamilton's Asthmatic Effluvia.
——— Cinnamon Drops.
——— Corn Salve.
——— Patent Mineral Water.
——— Vegetable Balsamic Tincture.
Hannay's Wash.
Harrison's Pile Lozenges.
Harvey's Anti-venereal Pills.
——— Grand Restorative Drops.
Hatfield's Tincture.
Hayman's Marédant's Drops.
Hayward's Stomachic Lozenges.
——— Anti-acid ditto.
——— Samaritan Water.
Hemet's Essence of Pearl.
——— Pearl Dentifrice.
Hemings's Pine-bud Lozenges.
Henry's Aromatic Spirits of Vinegar.
——— Magnesia.
Hewitt's Analambanic Pills.
Hickman's Pills.
Hill's Balsam of Honey.
——— Bardana Drops.
——— Canada Balsam.
——— Essence of Water Dock.
——— Gout Essence.
——— Tincture of Centaury.
——— Sage.
——— Valerian.
Hinde's Powders.
——— Drops.
Hodson's Aromatic Nervous Tea.
——— Imperial Oil.
——— Persian Restorative.
——— Syrup.
Holdsworth's Lozenges.
Hollingshead's Balsam.
Hooper's Female Pills.
Hooping-cough Drops.
Hope's Hectic Pills.
Howell's Powders for Epilepsy.
Hudson's Tablets for the Worms.
Hungary Balsam for the Stone and Gravel.
Hunt's Family Pills.
Hunter's Elixir.
Hunter's Pills.
——— Restorative.
Jackson's Asthmatic Candy.
——— Corn Salve.
——— Ointment.
——— Tincture.
Jacobson's Cough Drops.
James's Analeptic Pills.
——— Antibilious Pills.
——— Fever Powder.
——— Medicine for the Dropsy.
——— Tin Powder for the Worms.
Jebb's, Sir Richard, Elixir.
——— Pills.
Jenkins's Salve.
Jesuits' Drops.
Imperial Anodyne Opodeldoc.
Infallible Restorative.
Inglis's Scott's Pills.
Johnson's Golden Ointment for the Eyes.
Johnston's Essence of Horehound.
Johntenocio's Tooth Powder.
Jones's Rheumatic Tincture.
Irvine's Fruit Lozenges.
Juniper's Essence of Penny Royal.
——— Peppermint.
Kemp's Gangrene Ointment.
Kennedy's Corn Salve or Plaister.
Keyser's Pills.
Knight's Pills.
Lemert's Balsam.
Lancaster Black Drop.
Leake's Cerate.
——— Chilblain Water.
——— Pills.
——— Purifying Drops.
Leathe's Lotion.
Le Cour's Imperial Oil.
Lee's Lozenges.
Lewis's Salve.
——— Specific Pills.
——— Tincture of Angustura Bark.
Liquid Shell for the Stone and Gravel.
Lobb's Stomachic Tincture.
Lockyer's Pills.
Lord's Corn Salve, or Plaister.
Lorraine's Consumptive Pills.
Lowrie's Eye Water.
Lowther's Drops.
——— Nervous Powders.
Lozenges, Aniseed.
——— Benzoin.
——— Camomile.
——— Ginger.

Lozenges, Horehound.
——— Ipecacuanha.
——— Patirose.
——— Peppermint.
——— Poppy.
——— Rose.
——— Roseated Liquorice.
——— Specific.
——— Spermaceti.
——— Tolu.
Lucas's Pure Drops of Life.
Luzatte's British Pills.
Lygnum's Antiscorbutic Drops.
——— Lotions.
——— Pills.
Lynch's Embrocation.
Madden's Vegetable Essence.
Magnesia Tablets.
Maune's Cough Medicine.
Mapson's Sanative Salve.
Marshall's Cerate.
——— Wart Dissolvent.
——— Heal-all.
Mason's Ointment.
Matthew's, or Matthews's Alterative Medicine.
——— Chemical Tincture.
——— Remedy for Curing Fistula and Piles without Cutting or Pain.
——— Samaritan Restorative
Maersbach's Balsamic Pills.
——— Mixture.
——— RestorativePowders
Medley's Aromatic Herb Snuff.
Metallic Tractors.
Military Drops.
Millman's Itch Ointment.
Mollineaux's Ointment.
Monsey's Rheumatic Powders.
Nailor's Corn Ointment.
Newton's Restorative Tooth Powder.
Norman's Syrup.
Norris's Chalybeat Pills.
——— Drops.
——— Tonic Essence.
Norton's Maredant's Drops.
Odontalgic Elixir, for Toothache
Olliver's Remedy for Consumption
Oliverian Ointment, for the Piles
Orme's Medicine.
Ormskirk Medicine, for the Bite of a Mad Dog.
Oxley's Essence of Jamaica Ginger.
——— Stomachic Tincture.
Palmer's Laxative Pills.
Paraguay Lotion.
Paris Ointment.
Paschall's Teething Remedy.
Pectoral Essence of Coltsfoot.
Perkins's Metallic Tractors.
Perrin's Balsam of Lungwort.
——— Antibilious or Cough Pills.
——— Pile Ointment.
——— Powder for the Hooping Cough.
Perry's Essence.
Peter's Pills.
——— Tincture.
Pidding's Balsam of Liquorice.
Pike's Ointment.
Pomade Divine.
——— Royal.
Potter's Pills.
Powell's Camphor Liniment.
——— Eye Salve.
Price's Breast Salve.
Prickett's Styptic.
Prince's Russia Pills.
Pullen's Antiscorbutic Pills.
——— Purging Pills.
Purland's Expectorating Pills.
Pyrmont Tablets.
Radcliffe's Purging Elixir.
——— Rheumatic Tincture.
Randall's Essence of Ginger.
Refined British Oil.
Relfe's Nipple Ointment.
Richardson's British Corn Salve or Plaister.
Riga Balsam.
Robberd's Cough Drops.
Robert's Worm Sugarplums.
Robertson's Vegetable Julep.
Roche's Embrocation.
Roe's English Coffee for Nervous Disorders.
Rogers's Antibilious Elixir.
——— Antiscorbutic Pills.
Rook's Balsam.
Rose Tablets.
Ruspini's Styptic.
——— Tincture.
——— Tincture for the Toothache.
——— Tooth Powder.
Ryan's Essence of Coltsfoot.
Rymer's Cordial and Nervous Tincture.
——— Detergent Pills.
——— Essence of Garlick.
——— Pectoral Medicine.
——— Tonic Pills.
Salmon's Guttæ Vitæ.
Savage's Oil.
Saville's Ointment.
Schnid's Liquid Dentifrice.

Schult's Vegetable Acid Air.
Scott's Gout Pills.
Senate's Aromatic Steel Lozenges, or Lozenges of Steel.
Severne's Worm Tea.
——— Ague Cakes.
Sharpe's Hepatic Pills.
Shaw's Sovereign Itch Ointment
Shee's Specific Drops.
——— Pills.
——— Preventive Lotion.
Sibley's Lunar Tincture.
——— Solar do.
Simson's Infallible Æthereal Tincture.
Singleton's Golden Ointment.
Sloane's (Sir Hans) Pills.
Smart's Tincture of Cascarilla Bark.
Smellome's Eye Salve.
Smith's Antibilious Pills.
——— Antihectic Balsam.
——— Cooling Opening Pills.
——— Drops.
——— Purifying Pills.
——— Restorative Medicated Wine.
Smyth's Drops.
——— Restorative.
Solander's Sanative Tea.
Soley's Essence of Squills.
Solomon's Abstergent.
——— Anti-Impetigines.
——— Balm of Gilead.
Spain's Restorative Oil.
Speedman's Stomach Pills.
Specific Convulsion Drops.
——— for the Yellow Fever.
——— Remedy (by Wessels).
——— Tincture.
Spence's Dentifrice.
Spilsbury's Antiscorbutic Drops.
——— Compound Essence.
Spinleeff's Aromatic Bilious Cordial.
Squire's Elixir.
Squirrel's Drops.
——— Tonic Pills.
——— Powders.
Steer's Camomile Drops.
——— Camphorated Eye-water.
——— Convulsion Oil.
——— Nitre Drops.
——— Opodeldoc.
——— Paregoric Lozenges.
——— Purging Elixir.
——— Solution of Myrrh.
Sterne's Balsamic Æther.
——— Stomachic Tablets.
——— Tincture of Gout Drops.
Storey's Worm Cakes.
Stoughton's Bitters.
Elixir.
Stringer's Essence of Myrrh.
——— Myrrh Dentifrice.
——— Paregoric Lozenges.
Swedish Preserve, or Elixir of Longevity.
Swinfen's Anti-acid.
——— Electuary.
——— Ointment.
——— Worm Sugar Cakes.
Swiss Balsam.
Syrian Corn Plaister.
Tasteless Ague Drops.
——— Fever Drops.
Taylor's Antispasmodic Pills.
——— Remedy for Deafness.
——— Restorative Balsam or the Eyes.
Thomas's Tolu Essence.
Thompson's Ague Tincture.
——— Patent Medicinal Water.
Tickell's Æther.
Tincture for the Teeth and Gums.
Tooley's Cordial.
Toothache Fluid.
Tooth Powder, Asiatic.
——— Paregoric.
——— Royal.
Trotter' Asiatic Tooth Powder.
Trowbridge's Golden Pills.
Tuberosa Vitæ or Chilblain Water
Turlington's Balsam.
Vandaur's Nervous Pills.
Van Swieten's Gout Cordial.
Vegetable Embrocation.
Vital Balm.
Waite's Worm Nuts.
Walford's Pancreatic Powders.
Walker's Jesuits' Drops.
——— Specific Remedy.
——— Stomachic Wine.
Walker's Tooth Powder.
Walley's Ointment.
Walsh's Antipertussis.
——— Coltsfoot Lozenges.
——— Ginger Seeds.
——— Pills.
Ward's Dropsy Pills.
——— Essence for the Head-ache.
——— Liquid Sweat.
——— Paste.
——— Powders.
——— Red Pills.
——— Sack Drops.
——— Sweating Powder.
——— White Drops.

Ware's Asthmatic Drops.
Warren's Analeptic Pills.
——— British Tooth Powder.
Webster's Diet Drink.
Welch's Female Pills.
Wheatley's Ointment.
——— Fluid.
Whitehead's Cerate.
——— Essence of Mustard.
——— Horehound.
——— Pills.
Whittell's Black Drops.
Williams's Aperient Pills.
Williams's Essence of Benzoin, or Pulmonic Drops.
——— Spa Elixir, or Restorative Drops.
Willis's Asthmatic Pills.
Wilson's Balsam.
——— Opening Pills.
——— Powders.
Winch's Cough Drops.
Withers's Essence of Camomile.
Wray's Ague Pills.
York Medicinal Preventive Lotion.
Zimmerman's Stimulating Fluid.

And also all OTHER pills, powders, lozenges, tinctures, potions, cordials, electuaries, plaisters, unguents, salves, ointments, drops, lotions, oils, spirits, medicated herbs and waters, chemical and officinal preparations whatsoever, to be used in the prevention, cure, or relief of any disorder affecting the human body, made, or exposed to sale, by any person, wherein the person making or exposing to sale has claims to any occult secret or art for the making the same, or has claims to any exclusive right to the making the same, or which have been, or shall hereafter be prepared, or vended, under the authority of any letters patent, or which have been, or shall hereafter be by any public advertisement, or by any written or printed paper or handbills, or by any label or words written or printed, affixed to, or delivered with any packet, box, bottle, phial, or other enclosure containing the same, held out or recommended to the public by the makers or venders, as *nostrums or proprietary medicines*, or as specifics for the relief of any disorder incident to the human body.

Exemptions from Duty.—All drugs named in the Book of Rates subscribed with the name of Sir Harbottle Grimstone, Bart., and referred to by the act made in the twelfth year of the reign of Charles II., and in another book, intituled, "An Additional Book of Rates," signed by Spencer Compton, Speaker of the House of Commons, and referred to by an act made in the eleventh year of the reign of King George I.

All medicinal drugs which shall be vended entire, without mixture with any other drug or ingredient, by any surgeon, apothecary, chemist, or druggist, who has served a regular apprenticeship, or by any person who has served as a surgeon in the navy or army, or by any other person duly licensed to sell any of the medicines chargeable with a stamp duty.

All medicines not of the description mentioned above, as nostrums, patent or proprietary medicines, and vended by any surgeon, apothecary, chemist, or druggist.

Ginger and peppermint lozenges, and other confectionary, exempted from duty, unless avowedly sold as *medicines* beneficial for the cure, prevention, or relief of any disorder. 55 Geo. 3, c. 184, s. 54.

CHAP. XLVII.

MILLERS.

Upon information on oath, that there is reasonable cause to suspect that any miller who grinds grain for toll or reward, or any person who dresses, bolts, or in any wise manufactures meal or flour for sale, uses ingredients to adulterate the same, a justice, or constable authorized by warrant, may enter any house, mill, shop, bakehouse, stall, bolting-house, or outhouse, to search for adulterated meal, and ingredients for the purpose of adulteration, and the same may be seized. 31 Geo. 2, c. 29, s. 29.

Upon the conviction of any miller, mealman, &c., of having in his possession any mixtures intended to be used for adulterating meal, or flour, he may be fined not exceeding 10*l.*, nor less then 10*s.*; and his name advertised in a local newspaper. s. 30.

Wilfully obstructing a search, or carrying adulterating water mixtures to avoid detection, incurs a penalty not exceeding 5*l.* nor less than 20*s.* s. 31.

All penalties under this act go to the informer, and if not paid within twenty-four hours after conviction, a warrant of distress may be issued. s. 34. No miller to act as a justice in the execution of the statute. s. 32.

Balances and Weights.—An equal balance with

proper weights to be kept in every mill for grinding corn, on pain of forfeiting not above 20*s*. 36 Geo. 3, c. 85.

Every person who brings corn to be ground, may require the miller to weigh it in his presence, and after it has been ground to weigh the produce; penalty on refusal 40*s*. s. 2. Miller to deliver the whole produce of corn when ground, if required, allowing for waste and toll, on penalty of 1*s*. per bushel for the deficiency and treble the value. s. 3. From January 1, 1795, no corn but *money* to be taken for toll, on penalty of 5*l*., except where the party has no money: this does not extend to *soke-mills*, where a right to take toll has been established by custom and law. s. 5. Every miller to put up a *table of money prices*, or amount of toll, or mulcture for which the several operations of his mill are performed; penalty for an omission, or not keeping the same in legible characters, not exceeding 20*s*. s. 6.

Penalties under this act half to the informer. Information must be laid within ten days after an offence has been committed. s. 8.

CHAP. XLVIII.

MILLS AND FACTORIES.

In the mills and factories of cotton, woollen, worsted, hemp, flax, tow, linen, or silk, where steam,

water, or other mechanical power is employed, persons under eighteen are not allowed to work at *night*; that is between the hours of half-past eight o'clock in the evening and half-past five in the morning: but this does not extend to certain processes of manufacture, nor to any apprentices or other persons employed therein, nor to the labour of persons above thirteen when employed in packing, nor to any mill used solely for the manufacture of lace. 3 & 4 Wm. 4, c. 103, s. 1.

Persons under eighteen not to work more than twelve hours a day, unless to make up lost time from accidents to machinery, &c., and to be allowed one hour and a half for meals. ss. 1—6. Children under nine years not to be employed except in silk-mills. s. 7. After the following periods, children not to be employed exceeding forty-eight hours a week, nor exceeding nine hours in one day; namely, six months after passing of the act (August 29, 1833), children under eleven; eighteen months after, children under twelve; thirty months after, children under thirteen. s. 8.

Besides Christmas-day and Good Friday, *eight* half-day holidays to be allowed every year. s. 9.

Children whose hours are limited to nine hours a day, not to be employed in different mills exceeding that period. s. 10.

Children under thirteen not to be employed without a certificate of health and strength. s. 11. Children between eleven and eighteen not to be employed exceeding *nine* hours a day, or at night with-

out a certificate of age. Children whose hours of labour are limited to forty-eight weekly, required to attend a *school* chosen either by parents or inspector, and one penny in every shilling to be deducted from the child's earnings for the expense thereof. s. 20. Unlawful to employ children, unless they produce weekly to the factory master the schoolmaster's ticket of attendance.

Interior walls of mills and ceilings of rooms to be lime-washed every year. s. 26. An abstract of the act and regulations framed by the inspector to be hung up in every mill and factory, and copies thereof to be renewed as often as the inspector shall direct. s. 27.

Parents, or any other person drawing benefit from the wages of children, are liable to a penalty of 20*s*. for employing them contrary to the act, or for a longer time than limited, or not complying with provisions touching education, or the certificate of health. s. 29.

Employers of children offending against the act or any regulation of the inspectors, to forfeit any sum not exceeding 20*l*. nor less then 1*l*., at the discretion of the inspector or justices before whom the offender is convicted. s. 31.

Obstructing an inspector in the execution of his duty, subjects to a penalty not exceeding 10*l*. s. 32.

Provisions of this act extend to all mills and factories of the description before mentioned in the United Kingdom.

Apprentices.—All *woollen* and *cotton* mills and

factories in the United Kingdom, in which three or more apprentices, or twenty or more other persons are employed, are subjected to the regulations of the 42 Geo. 3, c. 73; which provides, that apprentices shall have two complete suits of clothing yearly; that the hours of working shall not exceed twelve hours, exclusive of meal-times, for which three hours are allowed; that they shall be instructed every day, for the first four years of their appenticeship, in reading, writing, and arithmetic; that the apartments of male and female shall be kept distinct, and two only sleep in one bed; that the rooms shall be washed with quicklime and water twice a year, and kept well aired; that at Midsummer sessions two visiters shall be appointed, to report the condition of such mills and factories; and that copies of the act shall be fixed up in two conspicuous parts of the building.

Every person molesting the visiters in the execution of their powers under the act, to forfeit from 5*l.* to 10*l.* s. 11. Masters wilfully offending against its provisions, to forfeit not exceeding 5*l.* nor less than 40*s.*, half to the informer, half to the poor. s. 13.

CHAP. XLIX.

NEWSPAPERS.

No person to print or publish a newspaper, or other paper containing public news or intelligence, or serving the purpose of a newspaper, until an affidavit has been delivered to the Stamp Office, specify-

ing the title of the paper, the office where printed, the names and abodes of printer, publisher, and proprietors, or if the proprietors exceed two, the names of two whose shares in the paper are not less then those of any other proprietors. 38 Geo. 3, c. 78, ss. 1—3. A change in any of the particulars mentioned requires a new affidavit, and the commissioners of stamps may, as often as they think fit, require a new affidavit to be signed and sworn. s. 4. Penalty 100*l*. for omission, or for printing, publishing, or delivering out a newspaper without having first made such affidavit. s. 7. Wilfully inserting false names, addresses, or additions of any of the parties, subjects to the punishment of perjury. s.8.

When the names of the parties concerned in the paper, and to be inserted in the affidavit do not exceed four, the affidavit to be sworn and signed by all who are adult; or if they exceed four, by four of them who are adult, if so many, an not by so many as are adult; but the affidavit must contain the names and abodes of all, the printer, publisher, and so many of the proprietors as mentioned: the persons signing and swearing, must give notice within seven days to the persons not signing or swearing, but named in the affidavit, under penalty of 50*l*. s. 6.

Omitting to print in every newspaper the name and residence of the printer and publisher, or a description of the office where the paper is printed, subjects to a penalty of 100*l*. s. 10.

Persons wishing to institute civil or criminal proceedings against a newspaper, may obtain a certified

copy of affidavit on payment of 1*s.*; but any one, not authorized by the Stamp Office, giving such certificate, to forfeit 100*l.* ss. 14—16.

Printer or publisher to deliver to the Stamp Office a copy of every newspaper published, within 6 days after publication, signed in his handwriting with his name and abode; the paper to be paid for at the ordinary price every six days. Penalty for neglect 100*l.* s. 17.

If any person shall knowingly print and publish, or cause to be done, or receive into or keep in his custody, any newspaper or *other such paper*, not on paper duly stamped, he shall forfeit for each 20*l.*, over and above all other penalties. ss. 18, 19.

Every person who shall send or carry, or do any act tending thereto, any unstamped newspaper out of Great Britain, to forfeit 100*l.* s. 20.

No person to sell *stamped* paper for the printing of newspapers, until he has first given security to the Stamp Office, under pain of 100*l.* s. 26. Persons liable to account for all newspapers printed on unstamped paper. 38 Geo. 3, c. 78, s. 27.

II. STAMP DUTIES.

On every newspaper, or paper containing public news, intelligence, or occurrences printed in Great Britain, to be dispersed and made public; that is to say, for every sheet, half-sheet, or other piece of paper, whereof the same consists, a duty is imposed of 4*d*. 55 Geo. 3, c. 185.

A discount of twenty per cent. allowed on the prompt payment of duties on papers sold at a price

not exceeding 7*d.* each to the public, and of 4 per cent. on papers sold *above* 7*d.* each. s. 9. Two sets of stamps to denote the duty and rates of discount; and if any person prints or exposes to sale any newspaper, without printing thereon the full price at which it is sold, or prints or exposes to sale any newspaper, stamped with a stamp denoting the larger discount, at a price exceeding that in respect of which the larger discount is allowed, he shall forfeit 20*l.* s. 10.

Supplements to Newspapers. — A newspaper printed on a single sheet or piece of paper, duly stamped, may be of any size the proprietors think fit. 6 Geo. 4, c. 119.

A supplement to a newspaper containing advertisements only pays a duty of 2*d.* each; and every paper printed in Great Britain, weekly or at intervals not exceeding twenty-six days, containing only or *principally* advertisements, and not news, intelligence, or occurrences, a like duty of 2*d.* each. s. 2.

On each side of every supplement must be printed at top the title of the newspaper, the year, month, and day of the month, and on some conspicuous part and in large type, the name of the printer and place of publication. Penalty for omission, or for inserting in any such supplement, charged only with duty of 2*d.*, news, intelligence, or occurrences, 50*l.* over and above all other penalties. s. 4.

Advertisement Duties. — These must be paid within thirty days after the publication of the newspaper, on pain of forfeiting treble the duties with costs. 10 Anne, c. 19, s. 118.

Proprietors of newspapers must give security for payment of the duties of advertisements, otherwise printer or publisher liable to penalty of 500*l.* 29 Geo. 3, c. 50, s. 10.

No hawker of a newspaper or other person shall let out a newspaper *for hire* to any person or different persons, or from house to house, on pain of forfeiting 5*l.* 29 Geo. 3, c. 50, s. 9.

If any person hawk, sell, or expose to sale any pamphlet or paper deemed a newspaper, and not stamped accordingly, he may be imprisoned three months, and may be seized by any individual who is entitled to a reward of 20*s.* 16 Geo. 2, c. 25. Extended to *almanacks*. 30 Geo. 2, c. 19, s. 26.*

III. POLITICAL PERIODICAL PAMPHLETS.

By the 60 Geo. 3, c. 9, s. 1, every periodical pamphlet and paper, published at intervals not ex-

* The following are exempt from the duties on newspapers, pamphlets, and advertisements :

Acts of parliament, proclamations, orders of council, forms of prayer or thanksgiving, and the acts of state, ordered to be printed by his Majesty.

Printed votes, or other matters, by order of either house of parliament.

Books commonly used in the schools of Great Britain.

Books containing only matters of devotion or piety.

Any paper containing a single advertisement, printed and dispersed separately.

Daily accounts, or bills, of goods imported and exported, and the weekly bills of mortality ; provided such bills or accounts do not contain any other matter than what hath been usually comprised therein.

55 Geo. 3, c. 185.—Schedule.

ceeding twenty-six days, containing public news, intelligence, or occurrences, or any remarks thereon, or upon any matter in church and state, and not containing more than two sheets, or published for less price than 6*d.* shall be deemed newspapers, and subject to the same regulations and stamp duties.

For better guaranteeing damages in actions of libel, the 1 Wm. 4, c. 73, enacts that securities may be demanded to the amount of 400*l.* or 300*l.* from both principal and sureties, provided any one is desirous of publishing a newspaper or political pamphlet of the description mentioned in the 60 Geo. 3, c. 9.

Political pamphlets published periodically at intervals exceeding twenty-six days, not exceeding two sheets, and sold at less price than 6*d.*, must be published on the first day of every calendar month, or within two days before or after that time, under pain of 20*l.* 60 Geo. 3, c. 9, s. 4.

The price and date of publication of every pamphlet newspaper must be printed thereon; penalty for omission, or for selling within two months after publication, such pamphlet of which the price is 6*d.* or more, for *less* than 6*d.*, 20*l.* s. 5.

Bond and security must be given, under pain of 20*l.*, before publication. ss. 8, 9, 10.

Copy of pamphlet must be delivered to Stamp Office same as newspaper, under pain of 100*l.* payable by printer or publisher.

IV. ILLEGAL ADVERTISEMENTS.

Advertising a reward with "*no questions asked,*" for the return of things lost or stolen, or making use

of words in such advertisement, purporting that such reward will be given without seizing or making inquiry after the person producing the same; or promising to return to any pawnbroker, or other person who may have advanced money upon the things so stolen or lost, the money advanced, or printing such advertisement, subjects to a penalty of 50*l.* payable to any person who sues. 25 Geo. 2, c. 36, s. 1.

Advertising any public entertainment or meeting for *debating* on any subject on the *Lord's day*, to which persons are to be admitted by payment of money, or tickets sold for money, or printing or publishing such advertisement, subjects to a penalty of 50*l.*, payable to any who sue. 21 Geo. 3, c. 49, s. 3.

To print, publish, or proclaim any advertisement of a *horse-race* for a plate or prize of less value than 50*l.* subjects to a penalty of 100*l.*, half to the poor, half to the person who sues. 13 Geo. 2, c. 19, ss. 2—6.

To advertise the setting up of any office for the sale or negotiation of any *place under government*, or in the service of the East India Company; or to advertise or print the name of any agent or broker connected with the same; or any proposal relative thereto; subjects to a penalty of 50*l.*, recoverable with full costs in any court of record. 49 Geo. 3, c. 126, s. 6.

Printing or publishing any scheme or proposals for *fraudulent lotteries* of various kinds, subjects to penalty of 500*l.*, one-third to H. M., one-third to informer, one-third to the poor. 8 Geo. 1, c. 2, s. 36; 42 Geo. 3, c. 119; 1 & 2 Geo. 4, c. 120.

CHAP. L.

NUISANCES.

Nuisances are of two kinds, either such as affect particular individuals and are called *private*, for which the remedy is by action; or *public*, which consist in doing any thing that tends to general annoyance or injury, or omitting to do a thing that the common good requires. It is only the statutary penalties inflicted on common or public nuisances that fall within our province to enumerate.*

Fireworks.—No person to sell, or expose to sale, any squibs, rockets, or other fireworks, or any

* In the law books the following are usually classed among the public nuisances that may be prosecuted as indictable offences:

The erection of a wall across a highway, or a gate where none had been before.

A *bridge* built in a public way, without public utility, is indictable. 2 *East*, 342.

A common *playhouse* may be a nuisance, if it draw together such a number of coaches or people as prove inconvenient to the places adjacent. 1 *Haw.* c. 7.

Common bawdy-houses, common gaming-houses, and, it is said, common stages for *ropedancers*, are nuisances. 4 *Bl. Com.* 167.

It has been held indictable for *stage-coaches* to stand plying for passengers in the public streets. 3 *Camb.* 224.

A brewhouse, glasshouse, and swineyard are nuisances. 1 *Haw.* c. 75.

So is the making great quantities of *noisome*, *offensive*, and

moulds or instruments for making the same; nor shall any person suffer any fireworks to be thrown from his house, lodging, or premises, or assist therein, into any public street, highway or passage, room, house, or shop. Penalty for selling fireworks, moulds, &c., 5*l.*, and for throwing squibs, &c., 20*s.* 9 & 10 Wm. 3, c. 7, s. 1.

Keeping of Gunpowder.—No dealer in gunpowder to keep more than 200 lbs., or not being a dealer, more than 50 lbs., in one house or premises in the cities of London and Westminster, or within three miles thereof; or in any other city, borough, or market-town, within one mile thereof; or within two miles of the king's palaces, or powder magazines; or within half a mile of any parish church. Penalty, forfeiture of surplus beyond the quantity allowed, and 2*s.* for every pound of such surplus. 12 Geo. 3, c. 61, s. 11. See further, *Gunpowder.*

Steam-engines.—Nuisances from this source may be abated by indictment, but the expense of this proceeding to individuals, gave rise to the 1 & 2 Geo. 4, c. 41, by which the court is empowered to award costs in prosecutions to abate nuisances from the furnaces of steam-engines; and in case of conviction, may make an order, without consent of pro-

stinking liquors; as acid spirit of sulphur, oil of vitriol, and oil of aquafortis. 1 *Burr.* 333.

A *monster* shown for money, as a malformed child, has been held a nuisance. 2 *Cha. Ca.* 110. Lastly, to appear in the streets with an infectious disease, as the *smallpox*, is a nuisance. 4 M. & S. 73.

prietor, for altering construction of furnaces so that the nuisance be abated. But the provisions of the act, so far as they relate to payment of costs and alteration of furnaces, do not extend to steam-engines erected solely for the working of mines, or the smelting and manufacturing of ores and minerals on or adjoining the premises where erected. ss. 1—3.

Butchers.—No butcher shall slay any manner of beast within the walls of London, upon pain to forfeit for each ox 12*d.*, and each cow or other beast 8*d.*, half to H. M., half to the person suing. 4 & 5 H. 7, c. 3. The act to be observed in every city, borough, or walled town in England, except Berwick and Carlisle. s. 2.

Some other penalties are still in force relative to *butchers*, which, having omitted to notice them in the proper place, may be here mentioned.

If butchers conspire to sell their victuals only at certain prices, every such offender shall forfeit for the first offence 10*l.* to the king, and if not paid in six days, may be imprisoned 20 days, and fed on bread and water; for the second offence 20*l.* in like manner, or the pillory (pillory abolished except in perjury, 56 Geo. 3, c. 138); and for the third offence 40*l.* and the loss of an ear, and to be taken as an "infamous man," not to be credited. 2 & 3 Edw. 6, c. 15.

A butcher who sells swine's flesh measled, or flesh dead of the murrain, shall for the first offence be amerced; for the second set in the pillory; for the third be imprisoned and fined; and for the fourth, be

banished the town.—*Burn's Justice,* Marriott's edition, 1, p. 394.

For other nuisances, see *Turnpike Roads, Gaming, and Local Acts of Metropolis.*

CHAP. LI.

PAPER MAKERS AND STAINERS.

Under penalty of 100*l*. a license is required to be taken out annually by all makers of paper, pasteboard or scaleboard, which costs 7*s*. 6*d*., and by all printers, painters, and stainers of paper, which costs 4*l*. Every mill, workhouse, and other place, intended to be used in the manufacture and keeping of paper, pasteboard, &c., and all vats, presses, utensils and vessels, must be entered at the next excise office, on pain of forfeiture, and a penalty of 50*l*. No person to be concerned in the trade of a retail stationer, at any paper or pasteboard mill; nor any maker of paper to be concerned in the business of a stationer in any premises within the distance of a mile of a paper-mill in which he is interested, on pain of 200*l*. No maker of pasteboard to carry on the business of a maker of paper;*

* By 1 Geo. 4, c. 58, s. 18, a *pasteboard* maker is described to be "every maker of pasteboard (not made at any mill) from paper of the first class only, for being cut into, and sold by him as cards, not exceeding the size of 64 square inches, or playing-

nor any maker of pasteboard to carry on his business within one quarter of a mile of any mill for the making of paper, on pain of 100*l.* 34 Geo. 3, c. 20; 42 Geo. 3, c. 94; 1 Geo. 4, c. 58.

Classes of Paper.—For the levy of the duties paper is divided into two classes; all brown paper, made of old ropes or cordage only, without extracting the tar, and without any mixture of other materials, is deemed paper of the *second* class; and all other paper (glazed paper for clothiers and hotpressers excepted) is deemed paper of the *first* class. An abatement of duty is allowed on paper of the first denomination, used in printing books at Oxford or Cambridge, in Latin, Greek, Oriental, or northern languages; and also Bibles, Testaments, Psalm-books, books of Common Prayer, printed either in these universities or by the king's printer.

No paper to be printed or painted for hangings or other uses, but of the first class, nor unless it have been previously produced to the officer, opened, and stamped. If any maker cut or diminish any paper before it be weighed and charged to the duty, he forfeits the same and 50*l.* 41 Geo. 3, c. 8, ss. 6, 7.

No *pasteboard* to be made of any material except

cards; and every maker of bottle stands, spectacle cases, tea trays, or any other wares or articles made with paper pasted or united together, and moulded into such articles, shall be deemed a pasteboard-maker, subject to take out a license and make entry of his premises."

Makers of *scaleboard* are subject to the same excise regulations as the makers of paper, and all scaleboard must be tied up, labelled, charged with duty, and removed, as millboard.

paper which has been charged with the full duty, and not been used for any purpose, on pain of forfeiting the pasteboard, implements, and 100*l.* 42 Geo. 3, c. 94, s. 11. But this applies to the makers of pasteboard only, and not to makers of paper, millboard, button-board, button-paper, glazed paper, or sheathing paper, who are allowed to make pasteboard of any of these materials. 56 Geo. 3, c. 103, s. 13.

Maker of pasteboard, before he begins, to give 24 hours' notice in writing to the officer, specifying the day and hour, and then produce to the officer the paper he intends to use, in the original wrappers in which it was charged, having the excise-duty stamp legible on each ream, and shall take off the wrappers in presence of the officer, who will take an account of the paper, its quantity and weight, and destroy the duty stamp. Penalty for using paper without notice 100*l.* 42 Geo. 3, c. 94, s. 12.

Reams and Parcels.—All paper to be made up into quires, each quire to consist of 24 sheets, and such paper to be made into *reams* of 20 quires each; pasteboard, millboard, scaleboard and glazed paper to be made up into parcels, each parcel containing even dozens of sheets of the same kind, and not less than 24, nor exceeding 72 sheets in each *parcel;* such paper, pasteboard, &c., to be tied up in wrappers, distinguishing by legible characters on the wrapper to which of the two classes it is chargeable to duty, and the description of each parcel, whether pasteboard, millboard, scaleboard, or glazed paper,

with the progressive number of each ream or parcel made during the current quarter. Penalty for neglecting to tie up and mark paper, pasteboard, &c., for 24 hours after they are made, or untying them before they are charged, or for concealing or removing them from the mill-room, 200*l.* for each offence, together with forfeiture of paper or pasteboard. 42 Geo. 3, c. 94, s. 15.

Maker may cut the edges of paper, millboard, button-board, button-paper, glazed paper, sheathing-paper, or pasteboard before it is tied up in reams or parcels; *cut paper* to be so distinguished, and kept separate, on pain of 50*l.* 56 Geo. 3, c. 103, s. 3.

Maker to give twenty-four hours' notice of weighing to officer, if in a city or market-town; elsewhere forty-eight hours. 34 Geo. 3, c. 20, s. 7.

Weighing and Labelling.—Maker to mark in legible characters on the label the weight of every ream or parcel; and if, on being reweighed by the officer, it is found to weigh less or more by *five per cent.* than the weight so marked, the same to be forfeited, and a penalty of 50*l.* inflicted. 56 Geo. 3, c. 103, s. 5.

By 1 Geo. 4, c. 58, s. 5, the weight is to be put in words, joining to it *lbs.* or *pounds*, on the label to be affixed on the wrapper of every ream or parcel; penalty for neglect, or if on reweighing by the officer the weight deviates *five per cent.* from the weight marked, if the weight of the ream or parcel

exceeds twenty pounds, or *ten per cent.*, if the weight be twenty pounds or under, 100*l.* and the ream or parcel forfeited.

Label to be pasted on the wrapper, so that when the ream or parcel is tied up the label to be on the top, with the end for receiving the impression of the *departure stamp* ; class, weight, and kind of paper to be inscribed on the label, and the number, quarter, and year when weighed; officer to write the day of the month, and affix the stamp. Penalty on maker destroying the label, making false entry thereon, using it on any other wrapper, tying up or sending out any ream or parcel without such label, or not marking on it the particulars mentioned, or not delivering up, on demand of supervisor, the labels not used, 200*l.*. s. 6.

Maker to fix an impression of departure stamp on label of every ream and parcel, containing the number, day, month, and year when fixed, before it is sent out of the mill; penalty for not fixing such impression, or having ream or parcel in possession twenty-four hours after, or for removing it without departure stamp, forfeiture of the same, and 200*l.* for every ream or parcel. s. 7.

Counterfeiting Stamp and Marks.—Defacing stamp marks of the officer, penalty 50*l.* 34 Geo. 3, c. 20, s. 10.

Officer may take samples out of any ream, or bundle of paper (paying market price for them), and finding it not the sort expressed on the cover, the paper forfeited, and penalty 50*l.* s. 11.

Excise to provide labels, stamps, departure stamps, and dies; receipt of the same to be acknowledged on the back of the request note by the maker or his servant, on pain of 200*l.*, and refusing to return such, penalty 50*l.* 1 Geo. 4, c. 58, s. 6.

Counterfeiting any stamp, die, or label, or having such counterfeits in possession, or using them, penalty 1000*l.* each, and for every wrapper impressed, 500*l.* s. 13.

Using wrapper a *second time*, or tying up pasteboard, &c., not charged to duty, penalty 500*l.* 34 Geo. 3, c. 20, s. 9.

Maker to enter in the excise book the quantity of paper made by him daily, reckoning 26 sheets to the quire (allowing two for waste), and before twelve o'clock at noon on the following day; also the quantity of pasteboard, &c., allowing 13 sheets to the dozen; such entries to be delivered to the officer every *six weeks*, verified on oath. Penalty for neglect to enter, or making false entries, or obstructing officer in examining the same, or not delivering to him the book every six weeks, or for not keeping book in an open part of entered premises, 200*l.* 1 Geo. 4, c. 58, s. 1.

Payment of Duty.—Duty for deficiency of stock below the account of paper daily made, not to be charged unless it exceed ten per cent. s. 19. Duties to be paid within six weeks after entry, on pain of forfeiting double the amount due. 34 Geo. 3, c. 20, s. 13.

Paper not to be removed from the mill in less

quantity than a ream or bundle; nor pasteboard, &c., in less quantity than a parcel, nor until charged for the duty, on pain of forfeiture, together with horses and carriages conveying it, and 50*l.* penalty. 34 Geo. 3, c. 20, s. 14.

Paper, &c., not to be removed from mill until 24 hours after being weighed and charged, and to be kept separate from the unweighed during that time, unless sooner reweighed by supervisor, on pain of 50*l.*, s. 15; but may be removed from one mill to another on giving 48 hours' notice.

Paper, &c., charged at another mill, or returned from a customer, to be marked with the number or letter distinguishing that mill, or with the word *returned*, and be kept separate, and notice given to the officer to take an account thereof; and, on being removed, departure stamp to be affixed. Penalty for neglect of directions, forfeiture of every ream or parcel, and 100*l.* 1 Geo. 4, c. 58, s. 9.

Officer may take account of stock when he thinks fit; maker to keep separate the classes of paper, and that charged with duty from the uncharged, so that the officer may easily take an account, which the maker is to assist him in doing; penalty for not keeping stock separate, or not assisting officer when required, 100*l.* s. 3.

Maker to keep scales and weights; penalty for neglect, or providing fraudulent ones, forfeiture thereof, and 100*l.* Turn of the scale to be in favour of the crown, and in lieu, 2lbs. in 100lbs. to be al-

lowed the maker. Paper, &c., fraudulently hid to be forfeited, and penalty of 50*l.* inflicted. ss. 19—23.

Stationers and Dealers.—No stationer or dealer in paper to receive into his possession any paper made in Great Britain, unless it be an entire ream or bundle, and enclosed in a wrapper stamped and marked as directed, on pain of forfeiture, and 50*l.* 1 Geo. 4, c. 58, s. 24.

No stationer to return wrappers of paper, pasteboard, &c., to the maker, but to cancel label and stamps; nor maker to receive them, on pain in either case of forfeiting 200*l.* s. 11.

Every maker to enter daily an account in a book of the quantity, weight, and description of paper sold or sent from his mill, with the date of the departure stamp; and deliver an account to the officer of the progressive number of reams of paper and parcels of millboard, &c., sent out since last survey. Penalty for neglect, or defacing entries, or obstructing officer in an inspection of book, 200*l.* s. 14.

Taking Stock.—Maker to place yearly his uncharged stock in such order that the same may be conveniently numbered, weighed, and otherwise taken an account of by the officer, and maker and his servants to render every needful assistance to the officer. Penalty for omission or refusal 200*l.* 56 Geo. 3, c. 103, s. 19.

Maker at the request of officer to deliver at the time of making the annual balance an account of his uncharged stock subscribed by himself or fore-

man; penalty for untrue account or refusal 200*l.* 1 Geo. 4, c. 58, s. 19.

II. PAPER PRINTERS AND STAINERS.

Before paper has been printed or stained, officer to take an account of quantity and dimensions, and mark every sheet. Every fortnight an entry to be made in writing on oath at the next excise office of the quantities of paper printed or stained, on pain of 50*l.* Within a fortnight after, the duties to be paid, on pain of forfeiting double duty. Sending away paper before it has been stamped, 50*l.* Fraudulently concealing paper to evade the duties, 100*l.* Keeping paper in an unentered place, 50*l.* Paper marked at one end only, or found of greater length by half a yard than frame-mark denotes, the same to be forfeited, and dealer or stainer fined 50*l.* Counterfeiting any frame, number, or mark, used by officer, 100*l.*; or counterfeiting any stamp or seal, felony. Wilfully cutting or defacing frame-mark, number, or mark; or using a second time any frame-mark, stamp, or seal, with intent to defraud H. M., penalty 50*l.* 1 Geo. 1, st. 2, c. 36; 26 Geo. 3, c. 78.

Importation of Stained Paper.—Officers of customs, where any printed, painted, or stained paper is imported, to cause the same to be marked with proper frames, stamps, and numbers; and if any person counterfeit any frame, number, or mark, he shall forfeit 100*l.*; or if he counterfeit any stamp or seal, 500*l.*; and if any person knowingly sell any paper

with a counterfeit stamp, 50*l.* Wilfully to cut out or deface any revenue mark, 50*l.* Using any frame-mark, stamp, or seal a second time, 50*l.* Half the penalties to the king, half to the informer. 32 Geo. 3, c. 54, ss. 1—6.

Printed, painted, or stained paper, may be *exported* by complying with the conditions for the protection of the revenue.

CHAP. LII.

PASSAGE VESSELS.

The acts for the regulation of vessels used in the conveyance of passengers to Ireland and North America are intended to prevent the over-crowding of passage vessels, and an insufficient stock of provisions and necessaries for the voyage being provided.

Passage Vessels to Ireland.—No vessel under 230 tons to take more than 20 passengers, unless licensed by the collector of customs at the port of sailing. 4 Geo. 4, c. 88, s. 1.

Licensed vessel not to take, exclusive of the crew, more than six adult persons, or ten children under fourteen, or fifteen children under seven years, for every four tons burden; if such vessel be partly laden with goods or wares, not to take more than the proportion of passengers mentioned for every

four tons that remain unladen, and the goods on board must be so disposed under the direction of the customs' officers as to afford good and wholesome accommodation to the passengers. s. 2.

Penalty for carrying exceeding twenty passengers without license 50*l.*; and if licensed for carrying above the legal proportion mentioned for each four tons burden, 5*l.* each passenger. s. 3.

Merchant vessels, &c., not to carry exceeding ten persons, if of or under 100 tons, or twenty, if not exceeding 200 tons, under penalty of 5*l.* for every person. s. 4.

An abstract of this act to be hung up at the custom-house of every port, and on board of every passage vessel, on penalty of 10*l.* s. 5.

Act does not extend to vessels in service of government or the East India Company; nor to any vessel of the burden of 200 tons or upwards; nor to vessels employed in carrying troops. s. 6.

Penalties may be recovered within three calendar months in a summary way before one justice; half to the informer, half to the king. s. 7.

Passage Vessels to America.—No ship to sail from the United Kingdom or British Isles to any place in H. M.'s possessions in North America with more than three persons for every four tons of the registered burden of such ship, the master and crew being included; and no ship to carry passengers unless of the height of five feet and a half at least between decks: two children under fourteen, or three under nine, or one child under twelve months

with its mother, to be computed as one person. 9 Geo. 4, c. 21, s. 1.

Good and wholesome provisions to be provided, in the proportion of fifty gallons of pure water, carried in sweet casks, for every person on board, and fifty pounds of bread, biscuit, oatmeal, or bread-stuff for every passenger. s. 2. Ships having their full complement of passengers, not to carry any part of their cargo or stores between decks, but for every passenger less than the complement three cubic feet between decks allowed for goods or stores. s. 3. Lists of passengers, their names, ages, professions, and destination, to be delivered to the collector of customs. s. 4.

Masters of ships compelling passengers to land at any other place than that agreed upon, to forfeit 20*l.*; or taking a greater number of passengers than allowed by law, or not providing the requisite provisions, or stowing them between decks, or not furnishing true lists to the collector, to be guilty of a misdemeanor prosecutable in any county of the United Kingdom or in the British Isles. ss. 5, 6.

Bond with one sufficient surety in 1000*l.* to be given by the master that his vessel is seaworthy, and for a due observance of the rules and provisions of the statute. s. 7.

The act does not extend to Post Office ships, nor to the Bahama Islands or the West Indies. ss. 8, 9.

Exciseable Articles in Passage Vessels.—The master of any packet or vessel employed in carrying passengers from one part of the United Kingdom to

another must be licensed by the excise to retail foreign wines, strong beer, cider, spirituous liquors, and tobacco. The master obtaining the license to produce to the excise a certificate from the owners of his appointment; the license to be transferable by endorsement, and renewed annually. License duty 20*s*. Penalty for selling wine, beer, &c., without license, 10*l*. for every offence. 9 Geo. 4, c. 47, ss. 1—3.

CHAP. LIII.

PAWNBROKERS.

In the metropolis no sale, exchange, pawn, or mortgage of any jewel, plate, apparel, household stuff, or other goods stolen or wrongfully taken, deprives the real owner of his property therein, and any pawnbroker refusing to produce such articles to the owner shall forfeit double the value. 1 Jac., c. 21.

Exercising the business of a pawnbroker without first taking out a license, penalty 50*l*. 25 Geo. 3, c. 48. All persons who take by way of pawn, pledge, or exchange, goods for repayment of money lent thereon deemed *pawnbrokers*. But this not to extend to any person who lends money at 5 per cent. interest without taking any greater profit for the loan. ss. 5, 6.

Every pawnbroker must cause his Christian and

surname, and the word *Pawnbroker*, to be put up in large legible characters above the door of his shop, on pain of forfeiting 10*l*. per week. 39 & 40 Geo. 3, c. 99, ss. 23, 26.

The rate of interest allowed on pledges is one halfpenny for one calendar month for sums under 2*s*. 6*d*.; if 5*s*. have been lent, 1*d*., and so on, ½*d*. additional for every additional half-crown lent for any sum not exceeding 40*s*. If exceeding 40*s*. and not exceeding 42*s*., eightpence. If exceeding 42*s*. and not exceeding 10*l*., after the rate of threepence for every 20*s*. by the calendar month; and in proportion for any fractional sum. s. 2.

For any intermediate pledge between 2*s*. 6*d*. and 40*s*. the pawnbroker may take after the rate of 4*d*. for the loan of 20*s*. per calendar month. s. 3.

Where the fraction of the sum to be paid is a *farthing*, the pawnbroker is bound to give a farthing in change for a halfpenny. s. 4.

Pawners may redeem within seven days after the end of the first month without paying any thing for the extra seven days, or within fourteen days on paying for one month and a half; but parties redeeming after the expiration of the fourteen days must pay the second month. s. 5.

Pawns to be *entered in a book*, with a description of the goods, the money lent, the date, name, and abode of the person pawning: and a duplicate of this entry, with the name and abode of the pawnbroker, shall be given on a note to the pawner. s. 6.

The duplicate is given gratis if the sum lent is

under 5*s*., but if the money is *above* 5*s*. and under 10*s*. the pawnbroker may take a halfpenny; for 10*s*. and under 20*s*., one penny; 20*s*. and under 5*l*., twopence; 5*l*. or more, fourpence. s. 6.

Every pawnbroker must exhibit in his shop, in large legible characters, the rate of profit, charges on duplicates, &c. s. 22.

Penalty for neglecting to enter pawns in a book any sum not exceeding 10*l*.; and for neglect of any other of the conditions mentioned any sum not less than 40*s*. nor exceeding 10*l*.

Pawning goods without authority of the owner, penalty not less than 20*s*. nor exceeding 5*l*., with the full value of the goods. 30 Geo. 2, c. 24, s. 3.

Any person knowingly *buying* or taking in pledge *unfinished* goods, or linen, or apparel, intrusted to others to *wash*, *mend*, *scour*, or *work up*, to forfeit double the sum given for or lent, and to restore the same to the owners. 39 & 40 Geo. 3, c. 99, s. 11.

All pawns are forfeited and may be sold at the end of one year. Where the sum lent is above 10*s*. and not exceeding 10*l*., they must be sold by public auction, notice of such sale being twice given at least two days before the auction in a public newspaper; penalty to the owner for neglect, 40*s*. or not exceeding 10*l*. s. 17.

Pictures, books, statues, philosophical instruments, china, &c., can only be sold four times in the year, namely, on the first Monday, and following days, in January, April, July, and October, in each year. Penalty for not advertising such sale

twice three days before, not exceeding *5l.* nor less than 40*s.* payable to the pawner. s. 18.

An account of the sale of pledges, above 10*s.* must be kept, and the overplus paid to the owner, if demanded, within *three years* after the sale. Penalty 10*l.* and treble the sum lent. s. 20.

Pawnbrokers cannot purchase any goods, in pledge, except at auction. They cannot take gowns from persons appearing under twelve years of age, or intoxicated with liquor; they cannot buy or take in pawn the notes of other pawnbrokers; nor buy any goods before eight o'clock in the forenoon, or after eight in the evening; nor receive pawns before eight in the forenoon, nor after eight in the evening, between Michaelmas and Lady-day, or before seven in the morning and after nine in the evening, the remainder of the year; except until eleven on Saturday evening and any evening preceding *Good Friday*, *Christmas-day*, or day of public fast or thanksgiving. Penalty between 40*s.* and 10*l.* s. 21.

Taking in pawn any chattel or article belonging to any parish, and branded with the word "Workhouse," penalty not less than 20*s.* nor exceeding *5l.*, half to the informer, and half to the parish. *55* Geo. 3, c. 137, s. 2. Lastly, pawning or selling, or receiving in pawn, or buying any clothes or articles marked "*Chelsea Hospital*," or defacing such mark, subjects to a penalty of 10*l.* for every offence. *5* Geo. 4, c. 107.

CHAP. LIV.

PHYSICIANS, SURGEONS, APOTHECARIES, AND ANATOMISTS.

I. APOTHECARIES.

No recusant convict to practise physic, nor use the trade of an apothecary, on pain of 100*l*. 3 Jac. 1, c. 5, s. 8.

Apothecaries within the City of London, free of the Society of Apothecaries, are exempt from serving parish, ward, and leet offices, and on juries and inquests. 6 & 7 Wm. 3, c. 4; 9 Geo. 1, c. 8, s. 1. The same exemptions extend to apothecaries in England and Wales, who have served seven years to the art under 5 Eliz. c. 4.

Master and wardens of the Apothecaries' Company, or any two assistants or other persons qualified and appointed by them, may enter any apothecary's shop, examine and destroy such drugs as are unfit for use, and levy fines, for first offence 5*l*., second offence 10*l*., third and every subsequent offence 20*l*. 55 Geo. 3, c. 194, s. 3.

No person qualified to be a member of court of examiners, or to enter any shop in London or within thirty miles thereof, unless he is a member of the

Apothecaries' Society of 10 years' standing; nor to enter any shop in any other part of England and Wales, or to be one of the five apothecaries appointed in any of the counties (s. 18), unless he have been an apothecary in actual practice for 10 years previously. s. 4; 6 Geo. 4, c. 133.

Apothecary refusing to compound or unduly compounding, setting to sale, or selling any medicine, directed by a prescription, signed with the initials in the handwriting of a lawfully licensed physician, shall on complaint by the other within 21 days, and conviction before a justice (if no good excuse be shown) forfeit *5l.* for first, and *10l.* for second offence, for third offence forfeit his certificate, and be disqualified to practise as an apothecary, under penalty of *20l.* 55 Geo. 3, c. 194, ss. 5, 20.

Apothecary acting without qualifying certificate from court of examiners (except those in practice previous to August 1, 1815), to forfeit *20l.*, and every assistant apothecary (except as before) *5l.* s. 20. No person eligible to be examined for certicate unless 21 years of age, having served five years apprentice to an apothecary, with testimonials of medical education and moral conduct. s. 15. Nor can an apothecary recover his charges in a court of law, unless he prove that he was in practice prior to 1815, or that he has obtained a certificate.

Half the penalties recovered go to the informer, the other half to the Apothecaries' Society. s. 25.

The act does not extend to chemists and druggists.

II. PHYSICIANS AND SURGEONS.

No person within the City of London, or 9 miles thereof, to practise as physician or surgeon unless examined and approved by the Bishop of London or Dean of St. Paul's, aided by two doctors of physic, and for surgery by persons expert in the faculty; penalty *5l.* 3 Hen. 8, c. 11. No person on like penalty out of the said limits to practise unless approved by the bishop of the diocese or his vicar-general. s. 2.

The charter of 10 Hen. 8, incorporating the College of Physicians is confirmed by 14 & 15 Hen. 8, c. 5; eight of the chief of the college are termed elects, who are to choose a president yearly, and fill up vacancies in their own body. Physicians in England to be examined by the college, and have testimonial letters from the president and three elects, unless they be graduate physicians of Oxford or Cambridge. s. 3.

Four physicians to be chosen by the college, who may enter the shops of apothecaries in the City of London, and assisted by the wardens of the Apothecaries' Company, destroy adulterated drugs. Apothecaries resisting or refusing to be searched forfeit *5l.*; and physicians to act *40s.* 32 Hen. 8, c. 40, s. 2.

All justices, mayor, constables, and other officers to assist the College of Physicians, and persons by them authorized, in searching for faulty apothecary wares. 1 Mar. c. 9, s. 6.

Any subject of the king having knowledge of

roots, herbs, and waters, may administer to any outward sore or disease, any herbs, ointment, poultice, or drinks for the stone, strangury, or agues; 34 & 35 Hen. 8, c. 8.

By 18 Geo. 2, c. 15, the union of surgeons and barbers is dissolved, and the surgeons made a distinct corporation, with power to examine candidates for surgeons in the army or navy. All the freemen of the company so long as they practise the science of surgery, are exempt from parish, ward, and leet offices, and from serving on any jury or inquest. ss. 9, 10.

A physician cannot maintain an action for his fees; for like those of a barrister, the fee is a *quiddam honorarium.* 4 T. R. 317. With respect to surgeons, however, it is different. They may maintain an action for their care and attendance, and for medicines found and provided. 3 Esp. 192.

III. ANATOMISTS.

The 2 & 3 Wm. 4, c. 75, empowers the Home Secretary of State for Britain, and Chief Secretary for Ireland to grant licenses to practise anatomy to any physician, surgeon, medical practitioner, or student of anatomy, on application by the party, countersigned by two justices, certifying that the applicant is about to carry on the practice of anatomy. s 1.

Inspectors of schools of anatomy to be appointed. s. 2. No body to be removed from the place of death till forty-eight hours after, nor till after

twenty-four hours' notice to the inspector; or if no inspector be appointed, to some neighbouring medical person; nor unless a certificate stating the cause of death, signed by a medical person who had attended the deceased, or by a medical person, called in after death, who to the best of his knowledge shall state the cause thereof, but who shall not be concerned in examining the body after removal; such certificate to be given to the party receiving the body for dissection. s. 9. Anatomists not to receive or examine bodies without certificate. s. 11. Anatomists on receiving a body to demand a certificate, to insert a copy thereof in a book, and within twenty-four hours transmit certificate to the inspector, with a return of the day, hour, and from whom the body was received, the date and place of death, the sex, and (if known) the name, age, and last place of abode of the deceased. Book to be produced to inspector when required. Anatomy not to be practised until one week's notice of the place has been given to the secretary. s. 12. Bodies to be placed in a decent coffin or shell before removal for examination, and provision made by the parties removing them for their decent interment after; a certificate of such interment to be transmitted to the inspector within six weeks after the body was received. s. 13. A licensed person not liable to prosecution or punishment for having in his possession for examination, or for examining any body according to the act. Does not prohibit any *post mortem* examination required to

be made by competent legal authority. Bodies of murderers *prohibited* to be dissected, but may be hung in chains, or buried within the precincts of the prison in which they had been confined prior to conviction. s. 16.

Persons offending against the act liable to imprisonment not exceeding three months, or to a fine not exceeding 50*l*. s. 18.

CHAP. LV.

PILOTS.

These are persons taken on board ships at particular places to conduct them from or into port, or through a river, creek, road, or channel. They are established in various parts of the country by ancient charters or statutes of incorporation; the most important bodies are the corporation of the Trinity-house, Deptford Strond; the fellowship of the pilots of Dover, Deal, and the Isle of Thanet, called the Cinque Port Pilots; the Trinity-houses of Hull and Newcastle, and the corporation for regulating and licensing the pilots of Liverpool. All persons licensed to act as pilots by the Trinity-house of Deptford are subject to the government of that corporation, which is empowered to make by-laws, regulating the examination and demeanour of pilots, annexing to such by-laws reasonable penalties for

their violation. In like manner the Lord Warden of the Cinque Ports or his deputy, with the assent of a majority of the masters and wardens of the fellowship of pilots of Dover, Deal, and Thanet, frame by-laws for the regulation of the Cinque Port pilots. The Trinity-house corporation is also authorized to appoint sub-commissioners of pilotage at certain ports and places for the examination of pilots, and on the recommendation of such sub-commissioners, licenses may be granted.

All bodies and persons in England authorized to appoint pilots are required, upon any new appointment, forthwith to transmit to the Trinity-house, London, and to the commissioners of customs, the name, age, and abode of every pilot so appointed, specifying the local limits of his qualification, and by whom appointed. They are also to transmit, yearly, corrected lists of the names and residences of all the pilots within their respective jurisdictions; noticing any alteration that may have been made in their rates of pilotage or by-laws.

II. TRINITY-HOUSE PILOTS, DEPTFORD.

By the general act for the regulation of pilots, no person shall be licensed by the Trinity corporation of London, who has not served as mate for three years on board of, or been for one year in the actual command of a square-rigged vessel of not less than 80 tons, register tonnage, for the *North Channel* upwards, and not less than 150 tons, register tonnage, for the *North Channel*, *Queen's Channel*,

South Channel, or other channels, downwards, or who shall not have been employed in the pilotage or buoyage service of the corporation for seven years, or who shall not have served an apprenticeship of five years to some licensed pilot vessel; and that no person so licensed shall take charge as a pilot of any vessel drawing above 14 feet water in the Thames or Medway, or in any of the channels leading thereto, until such person shall have acted as a licensed pilot for three years, and shall have been, after such three years, on re-examination, approved of in that behalf by the corporation, on pain of forfeiting 10*l*. for every offence, and the person employing, or permitting to be employed, such pilot, is also to forfeit 10*l*. 6 Geo. 4, c. 125, s. 3.

The appointment of pilots to be advertised in the London Gazette, and notices thereof, in writing, to be put up at the Trinity-house and Custom-house, London, and at the custom-house of the ports for which they are licensed, s. 7.

The Corporation prescribe the rates of pilotage, and may alter them as they think fit, according to the size of vessels, the distance piloted, and the responsibility of the pilot. Tables of the rates of pilotage to be hung up at the custom-houses of the several ports to which they apply; and any person taking or offering greater or less rate, or other reward, incurs a penalty of 10*l*. Ships returning by stress of weather or other accident, only half the common pilotage is payable in the district of the Isle of Wight, Plymouth, and Falmouth. s. 7.

III. CINQUE PORT PILOTS.

No person to take charge of a vessel as a pilot belonging to the Cinque Ports, until he has been examined touching his abilities, and approved by the master and two fellows, or by four wardens of the fellowship of the Cinque Ports, and admitted into that society by the lord warden; penalty for acting without such examination, approval, and admission, for the *first* offence 10*l.*, for the second 20*l.*, and for every subsequent offence 40*l.* 6 Geo. 4, c. 125, s. 15.

No licensed Cinque Port pilot to take charge of a vessel drawing above 11 feet 6 inches water until he has acted as pilot for three years; nor of a vessel drawing above 14 feet water until he has acted as pilot for five years; nor of a vessel drawing above 17 feet water, until he has acted as pilot seven years; when he is to be again examined, and if approved and licensed upon such second examination, he may take charge of vessels of any draught of water. s. 16.

The by-laws of the fellowship of the Cinque Ports are subject to the approval of the king's privy council, which, on the representation of persons concerned, may alter such as it deems defective or erroneous.

By the 9 Geo. 4, c. 86, if any Cinque Port pilot (unless expressly licensed) take charge as a pilot of any ship or vessel in the Thames, above or to the westward of the public landing-place at Gravesend, or of any ship or vessel in the Medway, westward of

Stangate Creek, he is liable to the penalties inflicted by the Pilot Act for acting out of the limits of his qualification.

IV. PILOT BOATS.

These must be distinguished by black sides, having the upper streak next the gunwale painted white, and with a flag, half white and half red, proportioned in size to the magnitude of the vessel, flying at the mast-head, or on a sprit or staff in a conspicuous situation. On the stern of the boat the name of the pilot on board to be painted in white letters three inches long, and on each bow the number of his license; concealment of the name or number, or non-observance of the provisions mentioned, subjects the senior pilot on board to a penalty of 20*l*. Any pilot carried off in a boat, other than a pilot boat, to hoist his flag, on pain of forfeiting 20*l*. 6 Geo. 4, c. 125, s. 32.

Penalty on the owner or master of a vessel carrying a pilot's flag, without having a licensed pilot on board, 100*l*. s. 33.

V. LICENSES AND DUTIES OF PILOTS.

A personal description of every pilot is contained on the back of his license. Before license is granted by the London Trinity-house, or the lord warden of the Cinque Ports, a bond must be entered into in a penal sum not exceeding 100*l*. to observe the bylaws and rules made for the regulation of pilots. Licenses may be annulled, suspended, or forfeited,

at the pleasure of the authorities granting them; but an appeal lies to the privy council.

No person to act as a pilot, or receive compensation for so acting, until his name has been registered at the Custom-house nearest to the place where he resides, nor without having his license in his personal custody, and producing the same to the master of the vessel or person desirous of employing him as a pilot, or to whom he shall offer his services; on pain of forfeiting for a first offence not less then 10*l.*, nor exceeding 30*l.*; for a second or subsequent offence not less then 30*l.*, nor exceeding 50*l.*, together with his license either for the first or subsequent offence. 6 Geo. 4, c. 125, s. 66.

Every licensed pilot who shall, without sufficient cause, refuse going off upon signal given by any vessel wanting a pilot, or upon being required to do so by the master of such vessel, or any person interested therein as principal or agent, or by any officer of the corporation to which the pilot belongs, or by any principal officer of the customs, or who shall after being engaged, or going alongside, quit a vessel on any frivolous pretext without leave of the master: he shall for every offence forfeit not less then 10*l.* nor exceeding 100*l.* s. 72.

Licensed pilot employing any boat, anchor, cable, &c., or requiring the master of the vessel so to do beyond what is actually necessary, incurs a penalty of not less than 10*l.* nor exceeding 50*l.*, and may be deprived of his license or suspended. s. 73.

If a pilot lend his license to an unlicensed person,

and such unlicensed person by drunkenness, negligence, or wilfulness, betray a vessel into danger, or unnecessarily cut any cable belonging to the vessel; or if any such person by misrepresenting any circumstance upon which the safety of the vessel depends, endeavour to obtain the conduct of such vessel; then in every such case the person so offending, or who aids or connives at such offences, shall besides being liable to damages at the suit of the party aggrieved, forfeit not less then 20*l.* nor exceeding 100*l.* 6 Geo. 4, c. 125, s. 74.

Licensed pilot may supersede unlicensed one; and if any unlicensed pilot act after a licensed one has offered to take charge, within the limit of his qualification, such unlicensed pilot to forfeit not less than 20*l.* nor exceeding 50*l.* s. 70.

Pilot when taken on board, to enter his name in the log-book of the ship entering the port of London; pilot or other person inserting a false name, to forfeit 20*l.*; the name so entered in the log-book, to be inserted in the entry or report inwards by the proper officer of the customs, who is to report the same daily to the Trinity-house, and monthly to the lord warden of the Cinque Ports. Monthly lists of the names of pilots of vessels clearing outwards, to be transmitted to the Trinity-house, by the principal searcher or officer of customs of Gravesend, on penalty of 5*l.* or not exceeding 10*l.*, to be paid by *any person* neglecting to comply with the regulations. s. 43.

If any pilot neglect or refuse to obey the orders

of the dockmasters, he incurs a penalty of 20*l.* or not exceeding 50*l.*, and may be suspended. s. 75.

Licensed pilots keeping public-houses, or selling wines, spirituous liquors, tea or tobacco, unless authorized by competent authority; or being concerned in offences against the revenue laws, or in any corrupt practice against vessels or persons in distress at sea, or shipwrecked, shall, in addition to other penalties, be adjudged to forfeit their license, or be suspended. s. 68.

Licensed pilot who has executed a bond, is not liable for neglect or want of skill, beyond its penalty (100*l.*) and the charge of pilotage. s. 57.

VI. LIABILITIES OF MASTERS AND OWNERS.

Master or owner of any vessel is not liable for the loss any person may sustain by the neglect or incompetency of a licensed pilot, acting in charge of the vessel, so long as such pilot is duly qualified to have the charge of the same; nor so long as no duly qualified pilot offers to take charge of the vessel; provided no blame can be imputed to the master of having refused, or neglected to take a qualified pilot on board. 6 Geo. 4, c. 125, ss. 53, 55.

Ships coming from the westward, bound to any place in the Thames or Medway, not having a Cinque Port pilot on board, shall on arriving at *Dungeness*, and until they have passed the south buoy of the Brake, keep flying the signal flag for a pilot to come on board; and the master to shorten sail to facilitate the admission of the pilot. Penalty for

not displaying signal flag, or not heaving to, double the sum the charge for pilotage would have been. 6 Geo. 4, c. 125, s. 52.

Masters acting themselves as pilots, or employing any unlicensed persons as such, or any licensed person out of the limits of his qualification, after a licensed and qualified pilot has offered to come on board, or made a signal for the purpose, shall forfeit double the sum legally demandable as pilotage; and, in addition, if the Trinity-house, or lord warden certify, *5l.* for every 50 tons burden of the ship. *id.*

But the master of any collier, or vessel trading to *Norway*, the *Cattegate* or *Baltic*, or round the *North Cape*, or into the *White Sea*, on their inward or outward voyages, or of any constant trader inwards from the ports between *Boulogne* inclusive and the *Baltic* (all such vessels having British registers, and coming up *either** by the North Channel, but not otherwise), or of any *Irish* trader using the navigation of the Thames and Medway, or of any vessel employed in the regular coasting-trade, or any vessel laden with stone from *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or any vessel not exceeding the burden of 60 tons, and having a British register; or any other vessel while within the limits of the port to which she belongs (no local act or usage prohibiting the same) may conduct and pilot his *own vessel* exempt from penalty, so long as he is not assisted by any unlicensed pilot, or other person than the ordinary crew of the vessel. s. 60.

* So in the act.

Neither is the master or mate of any vessel, being the owner or part owner, and residing at Dover, Deal, or the Isle of Thanet, liable to penalty for piloting his own vessel in the Thames or Medway, or in any place within the jurisdiction of the Cinque Ports.

For the by-laws and rates of pilotage, see Mr. M'Culloch's *Commercial Dictionary*, art. PILOTS.

CHAP. LVI.

POSTMASTERS.

The duties on horses let for hire are payable on every horse used either as a saddle-horse, or drawing any carriage conveying any person, and upon every horse used in drawing any mourning coach or hearse, but not on horses used in stage coaches, nor hackney coaches, nor in fish carriages. 2 & 3 Wm. 4, c. 120, s. 53.

Penalty for letting any horse for hire without a license 10*l*. On the death or insolvency of a licensed postmaster, his representative may act under his license for thirty days. ss. 55, 56.

Collectors of duties to transmit to the commissioners of stamps, every three months, an account of the persons licensed by them. Penalty for neglect 100*l*. s. 57.

Penalty for letting horses at more than one place under one license 20*l*. s. 58. For not having the

words *Licensed to let horses for hire*, painted in characters of at least two inches in height on the front of the house or stable, 5*l*. 2 & 3 Wm. 4, c. 120, s. 59.

Carriages kept to be let with horses to be numbered, and the name and abode of postmaster to be painted thereon in colour different from the ground, each letter one inch, and each figure one inch and and a half in height. Penalty for neglecting, or painting false name or address, 10*l*. s. 60.

Postmasters to deliver tickets with hire of horses, specifying particulars applicable to such hiring; refusing or neglecting to deliver tickets 10*l*. ss. 61, 62.

No person bound to pay for hire for more miles than expressed in ticket. Penalty for not filling up ticket truly 10*l*., and commissioners may refuse to renew license. s. 63.

Neglecting to give ticket to first toll-gate keeper, receiving check ticket in exchange, or falsely denying a horse to be *hired*, 10*l*. Toll-gate keeper neglecting to demand ticket, or other improper conduct, 10*l*. Toll-gate keeper neglecting to deliver up tickets as directed by commissioners, to forfeit 20*s*. each ticket. ss. 64—67.

When horses hired for 28 days or more are returned within that period, the check ticket must be delivered to the collector, under penalty of 20*l*. Postmaster giving out or using a check ticket fraudulently 50*l*. s. 70.

Postmasters to account for tickets delivered to them, and to redeliver to the collector such as remain unaccounted for, or to pay the value thereof.

Penalty for neglect or refusal 10*l.* over and above the value of the tickets. s. 71.

Falsely making or forging any ticket, 50*l.* s. 72.

Forms of account to be delivered to postmaster by the stamp-office. s. 73. Postmaster to insert in his weekly stamp-office account the date of each hiring, the distance, the number of the carriage (if any), and name of postilion, the sum charged for hire, and whether he will choose to pay one-fifth thereof in lieu of duty; similar particulars where the hiring has been for 28 successive days and more, noticing if the horses have been returned within that period; penalty for neglect of any of these particulars 20*l.* s. 74. Entries to be made in the weekly account on the day the horses are let or returned, or on the next day following, under pain of 40*s.* s. 75.

Weekly account to be open for inspection of stamp officers at all reasonable times, under pain of 10*l.* s. 76.

Neglecting to deliver weekly account and to pay the duties thereon, 20*l.* and double the duty. s. 77.

Postmasters refusing to make a declaration to the truth of his account, 20*l.* s. 78. N.B. Consent of commissioner, necessary to prosecute for the two last-mentioned penalties. s. 79.

Postmaster guilty of any fraud or contrivance to evade payment of duties, 50*l.*, and commissioners may refuse to renew license. s. 81.

Unlicensed persons letting horses for hire to account for the duties, and neglecting to make a re-

turn thereof, on a week's notice from collector, to forfeit 20*l.* and double duties. s. 83.

Inspectors and collectors may enter toll-houses to check stage carriages and horses let for hire, and to receive tickets, &c. Penalty for refusing to permit them to enter, or obstructing them in discharge of their duty, 20*l.* s. 99.

If any person receive a sum of money, or other reward, for conniving at the provisions of the act, to forfeit 20*l.* s. 100.

Justices neglecting to pay over the crown's share of the penalties 50*l.* Constables refusing to serve a summons, warrant, &c. 10*l.* Witnesses neglecting to attend, &c. 10*l.* 2 & 3 Wm. 4, c. 120, s. 107—111.

CHAP. LVII.

PRINTERS.

Every person having any printing-press or types for printing, must deliver a notice, signed and attested by one witness to the clerk of the peace of the town or place where it is intended the same shall be used, and such clerk of the peace is required to deliver a certificate to the printer, on the payment of 1*s.* Penalty for keeping presses or types without giving notice, or using them in any place not expressed in notice, 20*l.* 39 Geo. 3, c. 79, s. 23. Not to extend to king's printers, or to presses be-

longing to the universities of Oxford and Cambridge. s. 24.

Under the like penalty of 20*l.* letter-founders and printing-press makers, or sellers of types and printing-presses, are required to give notice to the clerk of the peace, and receive a certificate. s. 25.

Seller of types or printing-presses to keep an account to whom sold, and produce the same to any justice requiring it, in writing, under penalty of 20*l.* s. 26.

The printer of any book or paper meant to be published, whether sold or given away, to print on the front of every paper, if printed on one side only, and on the first and last leaves of every paper or book containing more than one leaf, his name and address; penalty for omission, or on any person distributing any paper without printer's name and abode, 20*l.* for every copy. s. 27. But not more than 25 penalties can be levied under this clause. 51 Geo. 3, c. 65, s. 1. Papers printed by authority, or for the use of either house of parliament, and also visiting cards, and papers relative to auctions, stock receipts, &c., are exempt. 39 Geo. 3, c. 79, s. 28.*

Printers to preserve a copy for 6 calendar months of every paper they print for hire or profit, with name and abode of the persons by whom employed,

* A printer cannot recover for labour or materials used in printing a work, unless he affixes his name to it, pursuant to the statute.—*Bensley* v. *Bignold*, 5 B. & A., 335.

Nor for printing a work which contains the life of a prostitute, and the history of her amours with various persons: and it is no

written or printed thereon: penalty for neglect, or refusing to produce such copy when required by a justice, 20*l.* s. 29. Persons publishing, distributing, or placarding any paper without the printer's name and abode, may be seized by any person and carried before a magistrate. 39 Geo. 3, c. 79, s. 30.

Justices may mitigate penalties under the act to any sum not under 5*l.* with costs. Prosecution must be instituted within three months after the penalty is incurred. Half the penalties to the king, half to the informer.

Advertisements on Pamphlets.—By 3 Wm. 4, c. 23, pamphlets or literary periodicals containing *advertisements*, must be taken, within *six* days after their publication, to the head office of stamps in London, Edinburgh, or Dublin, if published within 20 miles thereof; or if published at a greater distance to the head distributer of stamps, within *ten* days, and the duty on advertisements to be then paid, under a penalty of 10*l.* each, on printer and publisher.

For the penalties to which printers are liable in the printing of newspapers, see NEWSPAPERS.

answer that the parties are *in pari delicto—Poplett* v. *Stockdale*, 2 C. & P. 198.

An action for work and labour cannot be brought for printing a work distributed weekly, as a newspaper, unless the printer have complied with the provisions of the statute (see NEWSPAPERS).—*Marchant* v. *Evans*, 8 Taunt. 142.

By the custom of trade, a printer is not entitled to recover for printing a work, until the *whole is completed* and delivered.—*Gillett* v. *Mawman*, 1 Taunt. 137.

CHAP. LVIII

QUARANTINE

The permanent regulation for the preservation of the public health, and for preventing the communication of diseases from abroad, is the performance of *quarantine*; that is, not allowing either the persons or goods on board any vessel, coming from places where any malignant contagious disorder prevails, to land at their destination until a certain number of days has elapsed. The period ordinarily adopted, as the word *quaranta* imports, is forty days; during this term it is supposed, if any infectious disease exists, it will manifest itself, and time be allowed for subjecting both persons and goods to a process of purification. The general act for enforcing these precautions is the 6 Geo. 4, c. 78; by which the privy council is empowered to declare what vessels shall be subject to quarantine, the places where it shall be performed, and the time of its duration. Similar powers are given to the Lord Lieutenant of Ireland; and the publication of any order in council in the *London* or *Dublin Gazette* is deemed sufficient notification of its existence. Vessels clearing out for infected places are to be provided with the existing quarantine regulations, and to furnish themselves with signal flags, lanterns,

and materials for fumigation and immersion of goods.

Hoisting of Signals.—Master of any vessel liable to quarantine meeting another vessel at sea, or being within two leagues of the United Kingdom, or Guernsey, Jersey, Sark, and Alderney, must hoist a signal at the maintop mast-head, which signal in the daytime, if the vessel have a clean bill of health, must be a yellow flag; or, if the vessel has not a clean bill, a like yellow flag, with a black circular mark in the middle; and in the night time the signal in both cases to be a large signal lantern, with a light therein. Penalty for omission 100*l.* 6 Geo. 4, c. 78, s. 8.

Under the like circumstance, if the plague or other dangerous infectious disease be actually on board, the master to hoist in the day a signal flag of yellow and black, borne quarterly, and in the night two large signal lanterns, one over the other, on pain of 100*l.* s. 9.

Penalty on hoisting signals, when not liable to quarantine, 50*l.* s. 10.

Notices to Pilots.—Masters of vessels, on their arrival from foreign ports, to give to the pilot an account of the places at which they have landed and touched, on penalty of 100*l.* Pilots to give notice of any proclamation or order in council requiring the performance of quarantine, on penalty of 100*l.* s. 11.

Pilot to give notice if any articles be on board liable to quarantine, on pain of 100*l.* Penalty on

pilots conducting vessels to any other place than that appointed for their reception, 200*l*. s. 12.

Pilot to bring to at request of officer of customs, on pain of 100*l*. s. 13.

Master refusing to answer questions touching the state of health and liability of his vessel to quarantine, to forfeit 200*l*. s. 14.

Vessels subject to quarantine arriving at any port than that at which quarantine ought to be performed, may be forced to repair to the appointed place. Masters of vessels having touched at an infected place, omitting to disclose the same, or omitting to hoist the prescribed signals, to forfeit 300*l*. s. 15.

Master to deliver up bills of health, manifest, and log-book to superintendent of quarantine, on pain of 100*l*. s. 16.

Penalty on master quitting vessel, or not conveying the same to the appointed place, 300*l*. Persons coming in such vessel, or going on board and quitting it before discharged from quarantine, to suffer six months' imprisonment, and forfeit 300*l*. s. 17.

Persons liable to quarantine disobedient or refractory, or refusing to repair to the lazaret, or place appointed for them, penalty 200*l*. Persons quitting vessel liable to quarantine, may be seized, and having intercourse with them subjects to penalty of 200*l*. ss. 18, 19.

Master suffering persons to quit vessel while under quarantine, without authority, penalty 400*l*. Landing

goods from vessel, or receiving or secreting them, 100*l.* ss. 21, 26.

Intercourse, within limits of stations allotted for quarantine of ships without clean bills of health, may be prohibited by order of council, under penalty of 200*l.* s. 20.

Spasmodic Cholera.—The 2 Wm. 4, c. 10, and c. 11, empowers the lords of the privy council to promulgate orders for preventing the spread of the spasmodic or Indian cholera in Great Britain. Persons violating or neglecting to observe such orders, guilty of misdemeanor, and also subject to a penalty not exceeding 5*l.* nor less than 1*l.* These acts have been continued to the end of the present session, by 3 & 4 Wm. 4, c. 75.

CHAP. LIX.

RELIGIOUS WORSHIP.

Since the revolution of 1688 the statute book has been undergoing a gradual purgation of the acts which restricted the freedom of religious worship, and imposed pains and disabilities on those who dissented from the established communion. The only acts which now interfere with religious assemblies and dissenters are the 52 Geo. 3, c. 155, and the act for the repeal of the Corporation and Test Acts, the 9 Geo. 4, c. 17, and the act for the relief of Roman Catholics, the 10 Geo. 4, c. 7.

By the first act no congregation for religious worship of Protestants, exceeding *twenty* in number, shall be permitted, unless the place of meeting has been certified in the bishop's or archdeacon's court, or in the court of quarter-sessions. Every person permitting such congregation to meet in any place occupied by him, until it has been certified, to forfeit for every time of meeting, not exceeding 20*l.* nor less than 20*s.* 52 Geo. 3, c. 155, s. 2.

Persons who shall teach or preach in such congregation, without consent of the occupier, to forfeit not exceeding 30*l.* nor less than 40*s.* s. 3.

Every person who shall preach or teach at any congregation certified under the act, and who has not taken the oaths and subscribed the declaration specified in 19 Geo. 3, c. 44, s. 1,* may be required so to do by any justice; in case of refusal he shall not be allowed to preach in such congregation, on pain to forfeit for each time not exceeding 10*l.* nor less than 10*s.* s. 5.

Preacher or teacher who is not required to take the oaths and make the declaration may call on a magistrate to administer such oaths, and accept such declaration, and give him a certificate thereof, which will exempt him from serving in the militia, and from parochial and ward offices. Producing a

* Namely, the oaths of allegiance and supremacy, and declaration against popery; also the further declaration that the party is a *Christian* and a *Protestant*, and as such believes that the scriptures, as commonly received among Protestant churches, contain the revealed will of God.

false certificate, penalty 50*l.*; to be recovered by any person who will sue by action of debt. ss. 6—10.

No religious meeting to be held with the door *fastened*, so as to prevent the entrance of persons during the time of such meeting; person preaching or teaching therein to forfeit for each time such meeting is held with door fastened, not less than 40*s.* nor exceeding 20*l.* at discretion of convicting justices. s. 11.

Wilfully to disturb any religious meeting authorized by this or any other act, or to molest or misuse the preacher, or any person there assembled, subjects to a penalty of 40*l.* 52 Geo. 3, c. 155, s. 12.*

II. CORPORATION AND TEST ACTS.

In lieu of the sacramental test required by these acts, the only condition now requisite is that every person elected to any office of magistracy, place, trust, or employment in the government of any city, corporation, or borough, shall, within one calendar month next before or upon his admission, make and subscribe the following declaration:

"I, A. B., do solemnly in the presence of God, profess, testify, and declare, upon *the true faith of a Christian*,† that I

* Mr. Hardy, the member for Bradford, has this session given notice of a motion for the repeal of this statute, commonly called the "Conventicle Act."

† This is one of the stumbling-blocks which persons of the Jewish persuasion, and persons of no persuasion at all, are desirous the legislature should remove from the statute-book.

will never exercise any power, authority, or influence, which I may possess by virtue of the office of
to injure or weaken the *Protestant church* as it is by *law established* in England, or to disturb the said church, or the bishops and clergy of the said church, in the possession of any rights or privileges to which such church, or the said bishops and clergy, are or may be by *law* entitled."

Neglecting to make and subscribe such declaration renders the election void. Officers under the crown, formerly required to qualify, by taking the Lord's supper, to make the declaration within *six calendar months*, either in the Court of Chancery, the King's Bench, or at the quarter-sessions of the county or place where the party resides. But no naval officer below the rank of rear-admiral, no military officer below the rank of major-general in the army or colonel in the militia, no commissioner of customs, excise, stamps, or taxes, or person under the said commissioners, or under the postmaster-general, is required to make or subscribe the declaration, in respect of such commission, office, or appointment. Naval or military officers receiving any appointment while abroad, or within three months previous to leaving England, may make the declation any time within *six months* after their return. But the omissions of persons to make the declaration does not render those acts void in respect to the rights of *others* not privy to such omission. 9 Geo. 3, c. 17, ss. 1—9.

III. RELIEF OF ROMAN CATHOLICS.

In lieu of the oaths of allegiance, supremacy, and abjuration, Roman Catholics are qualified to sit in parliament, to vote at the election of members, and generally to enjoy offices, employments, and franchises, by taking and subscribing the following oath:

"I, A. B., do sincerely promise and swear that I will be faithful, and bear true allegiance to H. M. King William the Fourth, and will defend him to the utmost of my power against all conspiracies and attempts whatever, which shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to H. M., his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them: and I do faithfully promise to maintain, support, and defend to the utmost of my power, the succession of the crown; which succession, by an act, intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of this realm: And I do further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated or deprived by the pope, or any other authority of the see of Rome, may be deposed or murdered by their subjects, or by any person whatsoever: And I do declare that I do not believe that the Pope of Rome, or any other foreign prince, prelate, person, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power superiority, or pre-eminence, directly or indirectly, within this realm. I do swear, that I will defend to the utmost of my

power the settlement of property within this realm, as established by the laws: And I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment *as settled by law* within this realm: And I do solemnly swear, that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant government in the United Kingdom: And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation. So help me God!" 10 Geo. 4, c. 7, s. 2.

Catholics are not eligible to hold the offices of guardians and justices of the United Kingdom; nor of lord chancellor, or lord lieutenant of Ireland, nor to be the king's high commissioner to the general assembly of the church of Scotland. They may be members of *lay corporations*, and vote in any corporate election on taking the oath; but they are not to join in the election or appointment to any *ecclesiastical benefice or office* connected with the established churches of England, Ireland, or Scotland. Neither does the act enable any person, further than they were previously enabled, to hold any office in the *ecclesiastical courts, universities, colleges of Eton, Westminster, and Winchester*, or any other college or school within the realm. ss. 12—16.

Catholics hereafter elected to any corporate office must take the oath within one calendar month next before, or upon admission thereto, and within three calendar months next before appointment to any office under the crown. Penalty for acting in any

office without taking the oath 200*l.* and forfeiture of the office. Naval and military officers professing the Roman Catholic religion, to take the above oath. 10 Geo. 4, c. 7, ss. 19—22.

Titles to sees and deaneries in England and Ireland not to be assumed by Roman Catholics, under a penalty of 100*l.* s. 24.

No person holding any judicial, civil, or corporate office, to attend in his official costume, nor with the insignia of his office, at any place of worship, other than the established church, under a penalty of 100*l.* and forfeiture of office. s. 25.

Roman Catholic ecclesiastics not to exercise any of the rites or ceremonies of their religion, or wear the habits of their order, except in their usual places of worship, or in private houses, under pain of forfeiting 50*l.* for every offence. s. 26.

Jesuits, and members of other religious societies of the church of Rome, resident within the United Kingdom, to be certified to the clerk of the peace within six months after the commencement of the act, under penalty of 50*l.* for every calendar month. Jesuits, &c. coming into the realm, to be banished from the kingdom for life. But natural-born subjects, being Jesuits at the commencement of the act, may return into the kingdom, and be registered. The principal secretaries of state may grant licenses to Jesuits, &c. to come into the kingdom, and may revoke the same. Accounts of such licenses to be annually laid before parliament.

Admitting persons to be members of such reli-

gious order, a *misdemeanor*; and persons so admitted may be banished for life; and, not leaving the kingdom, may be conveyed out of it to such place as H. M. shall appoint; and if at large after three months, may be transported. Nothing in these clauses extends to any order or establishment, consisting of females bound by religious or monastic vows. ss. 28—37.

Penalties imposed by the act may be recovered by information filed in the name of the attorney-general for England, or for Ireland, or of the advocate-general in Scotland. 10 Geo. 4, c. 7, s. 38.

CHAP. LX.

SALE OF PUBLIC OFFICES.

The buying and selling of offices of a public nature has been considered as an offence *malum in se*, and indictable at common law. 1 *Russ*. 227.

By 5 & 6 Edw. 6, c. 16, ss. 2, 3, if any person bargain or sell any office or any part thereof to receive *money or other profit*, which office shall in any wise concern the administration of justice, or the receipt, control, or payment of the king's revenue, customs, surveying of lands, keeping of fortresses, or any clerkship in any court of record where justice is administered; he shall lose all right in and power of nomination to such office; and the person offer-

ing such money or profit shall be disqualified for the office. Exceptions in favour of the judges. s. 7.

The provisions of the statute have been extended to Scotland and Ireland and to all offices in the gift of the crown, and to all commissioners civil, naval, and military; to all places in the departments of the treasury, secretary of state, admiralty, commander-in-chief, secretary at war, excise, and navy, and to the principal offices of any department of the government in the United Kingdom and colonies, and to offices, commissions, &c., under the control of the East India Company. 49 Geo. 3, c. 126, s. 1.

Bargaining, selling, or being in any manner concerned in the *negotiation* of such offices *for gain* renders the parties guilty of misdemeanor, subjecting them to fine and imprisonment. ss. 3, 4. Opening or keeping any office for the *brokerage* of places is a misdemeanor. s. 5. If any person *advertise or publish* any office as set up for these purposes; or advertise or print the name of any agent or broker for the same, or any proposal relative thereto, he shall forfeit 50*l*. for the offence with full costs, recoverable in any court of record. ss. 5, 6.

The act does not extend to the band of gentlemen pensioners, the yeoman guard, the battle-axe guard, Dublin, the Marshalsea, or police courts; nor to the sale of commissions in the army for prices fixed by the king's regulation. s. 7. But to receive or pay, or agree so to do, a higher sum than the regulated price for the sale or exchange of a military commission, renders the parties guilty of misdemea-

nor, and forfeits the commission, which may be sold, and half the regulated value (not exceeding 500*l.*) given to the informer, and the other half applied as H. M. shall direct. 49 Geo. 3, c. 126, s. 8.

Offices in the Colonies.—No office in any colony or foreign possession belonging to Great Britain shall be granted either by patent under the great seal, or by commission under sign manual, or any other commission or warrant for longer term than during the time the grantee shall reside in the colony, and execute the duty and behave well in the office. Persons holding such offices and non-resident, without cause to be allowed by the governor and council, may be dismissed. Where leave of absence has been granted it must be certified within one week after to the principal secretaries of state, and if not confirmed within one month, the person to whom leave was granted must return, or his office shall be vacated. Governors neglecting to certify the grant of leave of absence to forfeit not exceeding 100*l.* Returns of persons having obtained leave of absence to be laid before the house of commons within six weeks after the opening of the session. 22 Geo. 3, c. 75; amended 54 Geo. 3, c. 61.

Securities in Public Offices.— Persons appointed to any office or commission, civil or military, in any public department, or to any office of public trust under the crown, or wherein they shall be concerned in the collection or expenditure of public monies shall give security for due performance of trust; if in England within one month after receiving the

appointment; if in Scotland or Ireland within two months, or within six months if in any other part of Europe, America, and the West Indies. 50 Geo. 3, c. 66.

Registers of securities appointed, and persons neglecting to give securities within the time mentioned, to forfeit appointment or commission. s. 7.

Notice must be given in writing to the head of the office of the death or bankruptcy of any surety by the person holding the appointment, if resident in the United Kingdom, within four calendar months after it comes to his knowledge; if on the high seas within four months after arrival in the United Kingdom; if in parts beyond seas in 12 months, except in the East Indies, when notice must be given in 18 months or within 4 months after arrival in United Kingdom; persons neglecting, to give such notice within the periods mentioned, to forfeit *one-fourth* of the sum for which the surety that is a bankrupt or deceased was bound. 52 Geo. 3, c. 66, s. 8.

The king may remit penalties where the failure of giving securities or registering the same has not arisen from wilful neglect. s. 10.

For the penalties to which Protestant Dissenters and Roman Catholics are liable who neglect to take certain oaths on admission to public offices, see ***Religious Worship***.

CHAP. LXI.

SERVING FOREIGN STATES.

Entering into the service of any foreign state without the king's consent, or contracting with it any engagement which subjects the party to an influence or control inconsistent with his allegiance, such as receiving a *pension* from a foreign prince without the king's leave, is at common law a high misdemeanor punishable with fine and imprisonment. 1 *East's P. C.* 81.

Disobedience to the king's letter to a subject commanding him to return from beyond the seas, or to the king's writ of *ne exeat regno,* commanding a subject to stay at home, is a high misprision and contempt. 4 *Black. Com.* 122.

By 59 Geo. 3, c. 69, s. 2, if any natural-born subject of H. M. without the license of the king enlist or serve in the military or naval service of any foreign state, or in the service of any colony assuming to exercise the powers of government, or if any person attempt to procure others to enlist in such service, the offender is punishable with fine and imprisonment. Act does not extend to persons enlisting or serving prior to August 1, 1819, nor to persons entering the service of any prince in Asia with leave of the governor-general of *Fort William, Bengal.*

Vessel with persons on board engaged in foreign service may be detained in any port of the king's dominions, and master of vessel taking persons on board contrary to the act, is subject to penalty of 50*l*. for each. 59 Geo. 3, c. 69, ss. 5, 6.

If any person without license fit out or assist to fit out armed vessels to be employed in the service of a foreign power, or issue any commission for the employment of vessels in such service, he is guilty of a misdemeanor, and the vessels become forfeited. s. 7.

Aiding the equipment of vessels for foreign service by increasing number of guns or warlike stores, is a misdemeanor. s. 8.

Penalties are recoverable with double costs in any of the king's courts of record at Westminster or Dublin, or the court of sessions Edinburgh. s. 10.

CHAP. LXII.

SHERIFFS.

No sheriff, under-sheriff, or sheriff's clerk, can hold office above one year, 42 Edw. 3, c. 9; nor can a sheriff be again chosen within three years, if there be others of sufficient substance in the county. But this does not extend to under-sheriffs' and sheriffs' officers in the cities of London and Bristol; nor to persons inheriting the shrievalty as a freehold,

6 Hen. 8, c. 18. Occupying office contrary to the statutes, subjects to a yearly penalty of 200*l.* 23 Hen. 6, c. 7.

Sheriffs are required to be resident in their bailiwick, 4 Hen. 4, c. 5; and no under-sheriff, sheriff's clerk, nor sheriff's bailiff, shall be attorney in any of the king's courts during the time that he is in office. 1 Hen. 5, c. 4.

No sheriff, or his officer, shall take for an arrest or attachment for fine, fee, suit of prison, letting bail, or showing any ease or favour except as follows: For the sheriff 20*d.*; the bailiff making the arrest or attachment 4*d.*, and the gaoler of the prisoner if he is committed 4*d.*; and the sheriff or coroner shall not take for making any return or panel, and for copy of a panel, exceeding 4*d.* Penalty 40*l.* half to H. M., half to the suer, with treble damages. 23 Hen. 6, c. 9.*

If any bailiff, or other sheriff's officer empanel or return any inquest, jury, or tales, or intermeddle with execution of process without having taken the oath prescribed by 27 Eliz. c. 12, he shall forfeit 40*l.*, half to H. M., half to the suer. 23 Hen. 6, c. 9, s. 4.

No sheriff or his officer shall take for serving any extent or execution on the body, lands, or goods, more than 12*d.* for every 20*s.*, where the sum ex-

* The legality of these fees was confirmed in the Court of Exchequer, *December* 1831.

ceeds not 100*l.*, and 6*d.* for every 20*s.* above 100*l.*, under pain of forfeiting treble damage to the party aggrieved and 40*l.* 29 Eliz. c. 4; 3 Geo. 1, c. 15.

Sheriff during assizes not to keep tables of entertainment for other than his own family and retinue, nor send presents to the judges, or gratuities to their officers and servants, nor have more than 40 nor less than 12 servants in livery attending him, under penalty of 200*l.* 13 & 14 Car. 2, c. 21. But this does not extend to London, Middlesex, nor Westmoreland.

If any person buy, sell, let, or take to farm the office of under-sheriff, seal-keeper, county-clerk, gaoler, or any other office pertaining to the sheriff's office, he shall forfeit 500*l.*, half to H. M., and half to any person who sues within two years after the offence. 3 Geo. 1, c. 15.

Poundage in no case to be taken on executing any *ca. sa.*, or on charging any person in execution for a greater sum than the debt marked on the back of the writ. Penalty 200*l.*, with treble the damage to the party aggrieved. s. 17.

No sheriff or his officer shall make out any warrant prior to having in his custody the writ, on which such warrant ought to issue, on pain of 10*l.* 6 Geo. 1, c. 21, s. 53.

Every warrant upon any writ sued out of King's Bench, Common Pleas, or Exchequer, before judgment, to arrest any person, shall have the said day and year set down thereon, as are set down on the

writ itself, under penalty of 10*l.*, payable by the person filling up or delivering out such warrant. s. 54.

An act passed last session, the 3 & 4 Wm. 4, c. 99, for facilitating the appointment of sheriffs, and the more effectual audit and passing of their accounts, &c.

CHAP. LXIII.

SOAPMAKERS.

No person within the limits of the head office of excise in London, is allowed to make soap unless he occupy a tenement of 10*l.* a year, and be assessed to and pay the parish rates; elsewhere, unless he be assessed to and pay to church and poor. 17 Geo. 3, c. 52.

Every maker of soap for sale, must take out annually an excise license, which costs 4*l.*; on pain of forfeiting 100*l.* 6 Geo. 4, c. 81, s. 26.

No maker to set up, alter, or use any boiling-house, warehouse, room, or other place for the making or keeping of soap, or for the boiling or keeping of oil, tallow, potash, lime, or other materials proper for soapmaking; or use any vat, copper, furnace, cistern, or other vessel, without giving notice to the nearest excise office, on penalty of 200*l.* All soap materials and utensils found in

an unentered place, become forfeited. 10 Anne, c. 19, ss. 6, 19; 47 Geo. 3, c. s. 6.

Covers and Fastenings.—Every soapmaker to provide at his own charge, and to be approved by the excise, wooden covers to the vessels used in soap-making, also locks, keys, and fastenings; the vessels with the pipes that convey the waste or salt lees, to be locked and sealed by the officer as soon as the fire is withdrawn, whenever they contain any soap or soapy ingredients. Making soap before covers have been affixed, or refusing to pay for the fastenings, or damaging them, penalty 100*l.* 12 Geo. 3, c. 46, s. 7; 32 Geo. 3, c. 4, s. 7.

If maker be desirous of opening any copper, or other utensil, or the furnace or ash-hole door, he must give, if in London, 12 hours', elsewhere 24 hours' notice to the officer, who will attend and open the doors; opening doors by any device, after being fastened by officer, penalty 100*l.* 17 Geo. 3, c. 52, s. 8; 32 Geo. 3, c. 21.

Officer may at all times, by day or night, on request, enter the premises and take an account of soap and materials, leaving a copy of account, if demanded, with the maker; officer neglecting or refusing to leave a copy, after demanded, to forfeit 40*s.*; and any maker obstructing officer to forfeit 50*l.* 24 Geo. 3, c. 48, ss. 7, 10.

When any pan, utensil, or furnace door has been locked, the supervisor or other superior officer may enter, unlock, and examine them between the hours of five in the morning and eleven in the evening;

obstructing officer, penalty 100*l.* 17 Geo. 3, c. 52, s. 9.

Private Pipe.—No maker to have any *private pipe* for the conveyance of soap, or materials from the copper, &c., on pain of 200*l.*; and officer in the daytime, in presence of a constable, after request made and cause declared, may break up the ground, or remove any wall or partition in search of the same; obstructing officer, penalty 100*l.* But if no private pipe be found, officer to make satisfaction for the damage done. ss. 10—12.

Maker to clean his utensils once every lunar month, giving three days' notice to officer; and when cleansed officer may search for any *private hole* for carrying away soap, and if found, penalty 500*l.* Neglecting to clean vessels perfectly, or to give notice, or obstructing officer 50*l.* *id.* s. 14; 1 Geo. 1, st. 2, c. 36, ss. 14, 15.

Cleansing and Notice.—Maker of *white, yellow, brown*, or *soft* soap, before he begins to cleanse or take soap out of any vessel used for boiling, must, if within the limits of the head office London, give six hours' notice, elsewhere 12 hours' notice; on pain of 100*l.*: notice void if maker does not begin to cleanse and take out soap within three hours after the time mentioned; and new notice must be given, on pain of 100*l.* 59 Geo. 3, c. 90.

No maker to have any pipe or conveyance from copper or pan used in boiling, except one moveable pump for taking out salt or spent lees, which pump is to be taken out of boiler before it is locked by

officer; nor to have any cock or hole in the side, curb, bottom, or cover of such boiler (except small holes, not exceeding one-eighth of an inch in diameter in the cover, to let the steam out) nor have any part of the curb moveable, nor use any siphon, crane, or trinket, but to empty all soap or ingredients by a pump or ladle, on pain to forfeit 500*l*. 24 Geo. 3, sess. 2, c. 48, s. 8.

Maker, if within the bills of mortality, to give 12 hours', elsewhere 24 hours' previous notice, in writing, of the time he intends to begin making soap, on pain of 50*l*.; and if he does not begin to make soap, if within the bills, in six hours, elsewhere twelve hours after time fixed, such notice is void, and fresh notice must be given, on pain of 50*l*. Putting lees into the copper is deemed a beginning to work. 11 Geo 1, c. 30, ss. 33—35.

By 24 Geo. 3, sess. 2, c. 48, maker, if within limits of head office, to give 12 hours', elsewhere 24 hours' notice of the time he intends to begin to charge his boiler, on pain of 100*l*.; if not charged within three hours after time fixed, new notice to be given on pain of 100*l*.

Penalty 20*l*. for opening any copper or utensil without the officer. 5 Geo. 3, c. 43, s. 15.

Maker of *hard* soap not to light a fire under soap-boiler, or for cleansing foul goods, or preparing materials, without giving 12 hours' notice, if within the limits of head office, elsewhere 24 hours, on pain of 20*l*. s. 16.

Maker of hard soap to use a regular square or

oblong frame only, for cleansing his soap into when taken out of the boiler; such frame to be two inches thick at the least, and not exceed 45 inches in length, nor 15 in breadth, on pain of 20*l.* s. 17.

And by 47 Geo. 3, sess. 2, c. 30, s. 9, the sides and ends of such soap-frame must be permanently fastened together, and the frame not to be less than 45 inches deep, to which depth the frame is to be filled with soap, on pain of 50*l.* But after one frame has been filled with soap, the residue may be put in another frame, though of less depth than 45 inches.

No maker to cleanse or take soap out of boiler, except between seven in the morning and six in the afternoon. s. 10.

By 59 Geo. 3, c. 90, s. 2, the time allowed for cleansing or taking out *hard* and *soft* soap are fixed as follows:

For *hard* soap, if put into six frames or upwards, three hours; if into three or less than six frames, two hours; and if in two frames or less, one hour.

For cleansing or taking *soft* soap out of any vessel, if it contain 20 barrels, or 5120 lbs., or upwards, three hours; if it contain 10 barrels, or 2560 lbs., and less than 5120 lbs., two hours; if less than 10 barrels, or 2560 lbs., one hour.

Penalty in each case for exceeding time allowed, 50*l.*

Yellow or mottled Soap.—Maker of hard soap, who makes yellow or mottled soap shall, as soon as

the yellow or mottled soap has been cleansed and taken out of the copper, put into the copper all the *fobb and skimmings* that have been taken out, and also grease in the proportion of at least 1 cwt. of grease for every ton of yellow or mottled soap, and shall immediately remelt such grease in presence of the officer; penalty for omitting so to do for the space of half an hour after the mottled or yellow soap has been cleansed and taken out of the copper, 200*l*. 59 Geo. 3, c. 90, s. 3.

Scales and Weights.—Soapmaker to provide scales and weights, and assist in weighing, on pain of 20*l*. 24 Geo. 3, sess. 2, c. 48, s. 11. Using false scales and weights, penalty 100*l*. 10 Geo. 3, c. 44.

If officer find any decrease of materials on the premises not accounted for, he may charge duty for such decrease in a certain proportion; that is to say for every 14 cwt., or 210 gallons of oil missing, 20 cwt. of hard soap.

For every 13 cwt. of rendered tallow missing, 20 cwt. of hard soap.

For every 13½ cwt. of kitchen-stuff and tallow missing, 20 cwt. of hard soap.

For every 14 cwt. of tallow, resin, and oil missing, 20 cwt. of yellow, brown, or resin soap.

Soapmaker, before he begins to charge the boiler, to weigh his materials in presence of an officer, and in case the quantity of soap produced is deficient, the maker to be charged duty for such deficiency in the proportion just mentioned; but 8 lbs. of rough fat

or kitchen-grease to be deemed only equal to 7 lbs. of tallow, and 5 lbs. of rough kitchen-grease to 4 lbs. of clean kitchen-grease. 24 Geo. 3, sess. 2, c. 48, s. 13.

Maker not weighing materials (except lye) in officer's presence, before put into the boiler, to forfeit 50*l*. 27 Geo. 3, c. 31, s. 19.

Soap unsurveyed to be kept separate, after making, if within the bills, 24 hours, elsewhere two days, on pain of 5*l*. 10 Anne, c. 19, s. 16.

Maker concealing any soap, or materials, to forfeit the same and 500*l*. 1 Geo. 1, st. 2, c. 36, s. 14.

If any maker *increase the weight* of soap by adding water, leys, lye, or any liquor or matter, after the soap has been taken an account of and charged with duty in the frames, and before the same have been sent out from the premises where manufactured, he shall forfeit all the soap so increased in weight and 100*l*. 3 Wm. 4, c. 16, s. 10.

Privately making Soap.—If officer suspect that soap is privately made in any place, or that it is concealed with intent to evade the duty, he may obtain a warrant for its seizure; and the person making it, or in whose possession it is found, shall forfeit 100*l*. 5 Geo. 3, c. 43, s. 20.

Person assisting in making soap *privately* to forfeit for a first offence 20*l*.; for a second offence 40*l*., or be imprisoned four months. 47 Geo. 3, sess. 2, c. 30, s. 7.

Owner or *renter* of any house or place who, knowingly, suffers the private making of soap, or the keeping on his premises for the purpose, any oil,

tallow, potash, lime, or other materials, shall forfeit 200*l*., and the *occupier* of such house or place 200*l*. s. 8.

Bars, Cakes, and Ball Soap.—Within 120 hours after the maker has cleansed his soap into any frame to the depth of fifty inches, or under, he must divide it into cakes or bars, and remove it out of the frame, and the maker of hard soap, when he has cleansed it into the frame to the depth of upwards of fifty inches, he must, within 168 hours after, divide it into cakes or bars, and remove it from the frame, on pain of 50*l*. 47 Geo. 3, sess. 2, c. 30, s. 11.

Hard soap must be sold in bars or cakes, or ***ball soap***, and the maker must return all scraps and parings into the boiler in the presence of officer, immediately after the soap has been divided for sale, on pain of 100*l*. 24 Geo. 3, sess. 2, c. 48, s. 14.

Selling or sending out any scraps of hard soap subjects the same to forfeiture, with packages, and maker to penalty of 100*l*. 28 Geo. 3, c. 37, s. 14.

Measure of Soap.—Every barrel of soap to contain 256 lbs., half-barrel 128 lbs., firkin 64 lbs., half-firkin 32 lbs. avoirdupois; besides the weight of the cask. All soap (except hard cake-soap and ball-soap) to be put in such measures only. Penalty for putting soft soap into any other measures, forfeiture of the soap and 5*l*. 10 Anne, c. 19, s. 8; 12 Anne, st. 2, c. 9, s. 19.

II. REMOVAL OF SOAP.

If maker remove soap without giving 24 hours' notice, if within the bills, elsewhere two days', he shall forfeit 20*l.* 10 Anne, c. 19, s. 16.

In the removal of soap exceeding 28 lbs., the word "Soap" must be inscribed in legible letters of at least two inches in length, on every chest, cask, or package; and when soap, exceeding 28 lbs., is conveyed in any carriage by any person not being a *known* common carrier of goods, the word "Soap" must be inscribed on some conspicuous part of the carriage, in legible letters of at least three inches in length. Penalty, in either case, 100*l.* and forfeiture of the soap, cask, or package, with the carriages and horses conveying it. 59 Geo. 3, c. 90, s. 6.

Soapmaker to receive on demand a *book* with printed forms from the excise, containing certificates to be filled up and sent out with every quantity of soap exceeding 28 lbs.; certificate to specify the date, quantity of soap and kind, to whom sold, and from whose stock delivered, and that the duty has been paid or secured; corresponding entries to be made in the book, which is to be open at all times from six in the morning to seven in the evening for perusal of the officer. Sending out soap without certificate, making fraudulent entries or erasures, or refusing to produce book to officer, penalty 200*l.*; and soap sent out becomes forfeited,

and person conveying it, or his employer, to forfeit 200*l*. 59 Geo. 3, c. 90, s. 8.

On removal of soap from one part of Great Britain to another, officer may demand certificate and examine the soap; not producing certificate, or obstructing officer, penalty 200*l*. and forfeiture of soap, with the carriage, boat, horses, &c., conveying it. s. 9.

Books or papers called *specimens*, for making entries, to be left on premises of trader and manufacturer; removing such specimen, or defacing entries, or obstructing officer making entries therein, penalty 200*l*. s. 10.

Dealers in Soap.—Every dealer in soap to preserve all certificates delivered with any quantities of soap received by him, and at all times deliver up such certificates to any officer of excise who demands them. Penalty on refusal, or delivering any false certificates, 100*l*. 3 Wm. 4, c. 16, s. 11.

Lees and Barilla.—No person to manufacture for sale, or sell any lees, ley, or lye, fit for making soap, or grind or pound for sale, or sell any barilla exceeding 28 lbs. at any one time, on pain of 100*l*., and forfeiture of the prohibited article. 59 Geo. 3, c. 90, s. 4.

All barilla, kelp, black ashes, lees, ley, or lye found in the possession of *any person* not being an entered soapmaker becomes forfeited, and may be seized by any officer of excise. s. 7.*

* The repeal of the duty on candles, has relieved tallow-melters from the obligation to take out annual licenses, but

III. DUTIES AND ALLOWANCES.

Soapmaker to make a weekly entry on oath of the quantity of soap made by him during the week, on pain of 50*l.*; within the bills, entry to be made at the chief office of excise; elsewhere with the collector and supervisor. 17 Geo. 3, c. 52, s. 3.

Within one week after entry, the duties to be paid off on pain of double duty; and after such default in payment, not to sell soap until duties have been paid, on pain of forfeiting double the value. s. 4. No maker required to send further than the next market-town to make entry. s. 5.

Persons having soap in possession which has not been charged with duty, the same becomes forfeited, and treble the value estimated at the highest *London* price. 26 Geo. 3, c. 77, ss. 10, 11.

By 3 Wm. 4, c. 16, s. 2, the duty upon ***hard soap*** made in Great Britain is 1½*d.* per pound to be paid by the maker, and a like duty on hard soap brought from Ireland into Great Britain to be paid by the importer; and upon ***soft soap*** made in Great Britain, or brought from Ireland into Great Britain, to be paid by the maker or importer, respectively a duty of 1*d.* per pound. The drawback allowed on soap shipped as stores and on its exportation, is equal to the duties. The allowances made on soap

they are still kept under survey of the excise, and required to enter their premises, lest they should have upon them ingredients or utensils for making soap.

used in Great Britain in the making of cloths, serges, kerseys, baize, stockings, or other manufactures of wool, or in finishing manufactures from flax or cotton, or in the throwing, printing, or dyeing of silk, are reduced to one-half their former amount. Allowances on soap are granted to May 31, 1835, and can only be paid to the owner or foreman of the manufactory. s. 9.

IV. EXPORT AND IMPORT OF SOAP.

Cocket granted for shipping soap coastwise, to express the quality, quantity, and weight, the mark of the package, by whom made and sold, and where consigned; shipped without such cocket the soap becomes forfeited, and may be seized. 23 Geo. 2, c. 21, s. 29.

No soap to be *imported* except in a package containing at least 24 pounds of neat soap, and stowed openly in the hold; on pain of forfeiture, and master of vessel to forfeit 50*l*. s. 27. If such soap has been clandestinely put on board by seamen unknown to the master, he may apply their wages to the payment of the penalty. 26 Geo. 2, c. 32, s. 8.

Officers of excise or customs may seize soap found in any vessel, or being conveyed in any carriage, which they have good reason to suspect has been privately made or smuggled, or has been exported and relanded; and if the person in whose possession it is found cannot prove the duty paid, he shall forfeit the soap, and 5*l*. for every 100 lbs. 23 Geo. 2, c. 21, ss. 30, 31.

If any person knowingly conceal soap unlawfully imported, or relanded after shipment for exportation upon debenture, he shall forfeit 50*l.* for every 100 lbs., together with goods and package. s. 32.

CHAP. LXIV.

STAGE-COACHES.

By 2 & 3 Wm. 4, c. 120, s. 5, a stage-carriage is defined to be every carriage, without regard to the form or construction, used for conveying passengers *for hire* to or from any place in *Great Britain*, and which travels at the rate of three miles or more in the hour, provided each passenger is charged a *separate* fare: such definition not to apply to carriages used on a railway or impelled by steam, or otherwise than animal power.

In the requisition for a stage-carriage license, the name of every proprietor must be inserted, under a penalty of 10*l.*; and inserting a false name is a misdemeanor. ss. 9, 10.

When a license expires or is discontinued, the plates must be delivered up within seven days, otherwise liability to dutv continues. s. 15.

Commissioners may make allowances for duties on journeys not performed, but penalty 50*l.* for rendering a false account of any journey performed. s. 20.

Neglecting or refusing for five days to deliver up defaced plates to be exchanged, 20*l*. s. 24.

Keeping or using a stage-carriage without a license, or without plates, or with recalled plates, 20*l*. s. 27. Using a stage-carriage contrary to license, or with improper plates, deemed to be using it without license. s. 28. Representative of a licensed person deceased, bankrupt, or insolvent may use carriage without further license for thirty days. s. 29.

Plying for hire without plates, 10*l*. on the driver, or if also owner, 20*l*.: person so offending may be apprehended by an officer of stamps or constable, and carriage seized. s. 30.

Plates detained after expiration of license, or used by persons not having license in force, or recalled plates may be seized, and obstructing officer in seizing them, 20*l*. s. 33.

II. PASSENGERS AND LUGGAGE.

Carrying greater number of passengers than allowed by license, penalty for each 5*l*. Children in the lap, or one child under seven years of age not reckoned; but two children not in the lap though under seven, to count as *one* passenger. 2 & 3 Wm. 4, c. 120, s. 34, 35.

In words at length and in letters one inch in height, and in a colour different from the ground must be painted the Christian and surname, of at least *one* proprietor, and the extreme places to and from which the carriage is licensed to travel; also

must be painted in like conspicuous manner on the back of the carriage the number of inside or outside passengers allowed to be carried. Penalty for omission, or suffering any of the said particulars to remain defaced or obliterated, *5l.* s. 36.

The 3 & 4 Wm. 4, c. 48, repeals so much of 2 & 3 Wm. 4, c. 120, as relates to the number and distribution of the outside passengers, and a separate division for the luggage, and enacts that "any licensed stage-carriage with four wheels or more, the top or roof of which shall not be more than eight feet and nine inches from the ground, and the bearing of which on the ground shall not be less than four feet six inches from the centre of the track of the right or off wheel to the centre of the track of the left or near wheel, if such carriage shall be licensed to carry any number not more than nine passengers, shall be allowed to carry not more than *five* of such passengers outside; and if licensed to carry more than nine and not more than twelve passengers, shall be allowed to carry not more than *eight* of such passengers outside; and if licensed to carry more than twelve and not more than fifteen passengers, shall be allowed to carry not more than *eleven* of such passengers outside; and if licensed to carry more than fifteen and not more than eighteen passengers, shall be allowed to carry not more than *twelve* of such passengers outside; and if licensed to carry any greater number than eighteen passengers, shall be allowed to carry not more than *two* additional passengers outside, for every three addi-

tional passengers which such carriage shall be so licensed to carry in the whole; provided that in no case a greater number of passengers shall be carried on the outside of any stage-carriage than the license relating thereto shall authorize to be carried on the outside thereof; and if any greater number of outside passengers shall be carried by any stage-carriage than as hereinbefore specified and allowed, or if any outside passenger shall be carried by any stage-carriage not expressly licensed to carry any outside passenger, the driver of such stage-carriage at the time when such offence shall be committed shall forfeit *5l.* s. 2."

No person allowed to sit on the luggage placed on the roof, nor more than one person on the box with the driver; penalty in either case *5l.* 2 & 3 Wm. 4, c. 120, s. 44. Neither driver nor guard counted in number of passengers.

Luggage carried on the top of a carriage drawn by *four* or more horses not to exceed ten feet nine inches in height from the ground; nor luggage carried on the top of a carriage drawn by *two* or three horses only, not to exceed ten feet three inches in height, measured from the ground to the highest point of any part of the luggage. Justices, road-surveyors, constables, stamp-officers and passengers, authorized to cause carriages and luggage to be measured, and number of passengers to be counted; and may require a tollgate-keeper to count passengers and measure the luggage, and sign a memorandum thereof. Penalty on proprietor, driver, or toll-

gate keeper refusing *5l.* These provisions not to extend to mail-coaches. s. 46.

III. DRIVERS AND GUARDS.

If the DRIVER of any stage-carriage drawn by three or more horses, quit the box without delivering the reins to a proper person, or a person being placed at the horses' heads; or permit any person to drive; or quit the box without reasonable cause, and for a reasonable time; or suffer any plate to be concealed so as not to be distinctly legible; or if the GUARD discharge firearms unnecessarily; or if driver or guard neglect to take care of the luggage, or ask more than the *proper fare;* or neglect to account to employer for monies received; or assault or use abusive language to any person travelling or about to travel, or having travelled as passenger, or any person attending on or accompanying such passenger: in each of these cases the offender to forfeit *5l.* 2 & 3 Wm. 4, c. 120, s. 47.

If the driver or guard, or any person employed about the carriage, through *intoxication, negligence, wanton and furious driving,* or any other misconduct, endanger passengers or their property, or the property of the owner of the carriage, the offender shall forfeit *5l.* s. 48. Owners are liable for penalties where the driver or guard is not known, or cannot be found.

Recovery of Penalties.—All penalties not exceeding 20*l.* are recoverable before a justice, but no person other than an *officer of stamps* can proceed

for the same except in the following cases: Any penalty with relation to horses let for hire, or the duties thereon; any penalty incurred by the driver of any stage-carriage by reason of carrying a greater number of passengers than is allowed; any penalty incurred by reason of carrying any outside passenger, or any luggage on the roof contrary to law; or by reason of any person sitting or being carried on any luggage; or by reason of more than one person besides the driver sitting upon the box; or by refusing to permit luggage to be measured, or the passengers to be counted, or to stop such carriage at any tollgate for that purpose; or by reason of any other offence which may subject to any penalty the driver, or guard, or any person employed to hold the horses; or having the care of or about any stage-carriage; or any tollgate-keeper, toll-collector, constable, or peace officer; or lastly by reason of any person summoned as a witness neglecting to attend.

IV. PROPRIETORS OF RAILWAYS.

The proprietors of every railway in Great Britain, along which any passengers shall be conveyed for hire, upon carriages drawn or impelled by the power of steam, or otherwise, shall pay for and in respect of all such passengers at the rate of *one halfpenny per mile* for every four passengers so conveyed.

The proprietors of railways are to keep accounts of the passengers conveyed along the same (such accounts to be open at all times to the inspec-

tion of any authorized officer of stamps), and shall, within five days next after the first Monday in every calendar month, deliver to the commissioners of stamps or their officer such accounts, verified by the oath of secretary, or accountant, and shall at the time of delivering such accounts, pay the duties to the receiver-general of stamps or to the proper officer. 2 & 3 Wm. 4, c. 120, s. 5.

The proprietors are to give security to keep accounts and pay the duty; and every bond for such purpose is to be taken with sufficient sureties to the satisfaction of the commissioners, and in such sums as they may judge to be the probable amount of the duties which may become payable for a quarter of a year; and the security may be renewed whenever the bond shall be forfeited, or any of the parties shall die, become bankrupt or insolvent, or reside in parts beyond the seas, and also whenever the commissioners shall require the same to be renewed. A penalty of 100*l.* is imposed on such proprietors for any day during the period they shall allow any passengers to travel for hire without giving security, or during the time they shall refuse or neglect to give or renew such security s. 57.

CHAP. LXIV.

STAMP DUTIES.

We shall omit in this place the penalties under the Stamp Acts, which have been given and will be found under the following heads:

Attorneys and Solicitors.
Auctioneers and Appraisers.
Bankers, Bills, and Notes.
Cards and Dice.
Goldsmiths and Silversmiths.
Hawkers and Pedlers.
Horse-races.
Medicine Venders.
Newspapers and Pamphlets.
Post-horse Masters.
Stage-coaches.

Almanac or Calendar.—Any almanac or calendar, or book or pamphlet serving the purpose of an almanac for one year, is subject to a duty of 1*s*.3*d*.; and it must be so printed that some part of the printing appear on the stamp. Penalty for printing an almanac otherwise, or selling or exposing it to sale before duly stamped, 10*l*. 21 Geo. 3, c. 56, s. 5.*

* In section 10 of this act it is stated, " Whereas 1000*l*. was paid to the two universities by the Company of Stationers for the power to exercise a supposed right belonging to them of an exclusive privilege of printing almanacs, heretofore granted by the

Selling, uttering, or exposing to sale any unstamped almanac, subjects to three months imprisonment, and any person may apprehend the offender, and upon conviction is entitled to a reward of 20*s*., payable by receiver-general of stamp duties. 30 Geo. 2, c. 19, s. 26.

Apprentice, journeyman, or servant of a printer printing unknown to his employer any almanac on unstamped paper is liable to three months' imprisonment. 55 Geo. 3, c. 185, s. 8.

Apprentices and Clerks.—The indenture or other instrument containing the covenants or agreements relating to the service of an apprentice, clerk, or servant, must state in words at length the real amount of premium agreed to be paid, and according to which the duty is charged; it must also be dated on the day of signing and execution. Penalty for omission, payable by master or mistress, double the amount of premium. 8 Anne, c. 9, s. 35.

Indentures executed within the bills of mortality must be brought to the head stamp-office to be stamped within one month after date. s. 36.* Indentures executed elsewhere to be endorsed within two months by stamp collector or other officer. s. 37. Indentures so endorsed, if executed within fifty miles from the bills, must within three months, or if at a greater

crown; and whereas it has been lately determined that no such privilege exists," 500*l*. shall be paid to *Oxford*, and 500*l*. to *Cambridge* yearly in lieu thereof out of the duties.—2 *Tyr. Tyn. Dig.* 1426.

distance, within six months, be brought to the head office to be stamped. s. 38.

Master or mistress neglecting to pay the duties within time limited, to forfeit 50*l.* 9 Anne, c. 21, s. 66.

Chamberlain and other proper officer of any city or town, where any apprentice, clerk, &c. obtain their freedom by servitude, must enter in a book their names and master's, with the premiums given, trade or profession, and date of indenture; on pain of 20*l.* 5 Geo. 3, c. 46, s. 13.

Conveyance and Surrender.—If the consideration money be not truly set forth in the conveyance on the sale of any property, the buyer and seller shall forfeit 50*l.* each, and five times the excess of duty that would have been otherwise chargeable. Attorney or other person preparing or assisting to prepare such conveyance liable to penalty of 500*l.*, and be disabled to practise. But penalties do not attach unless duty paid be *less* than that payable. 48 Geo. 3, c. 149, ss. 22, 25, 26.

Penalty on lords, ladies, or stewards of manors enrolling *surrenders* out of court, or bargains and sales of copyhold estates, or taking surrenders or granting admissions out of court not duly stamped, 50*l.* ss. 31, 32.

A like penalty is imposed for neglecting to make out and deliver within four months to the persons entitled to copies of court roll. s. 33.

Where surrender of a copyhold is *upon a sale*,

and the fact is otherwise stated in notice to the manor court, a penalty of 100*l.* is incurred. s. 31.

Executors and Administrators.—If any person take possession of and administer any part of the personal estate of a deceased person without obtaining probate of the will or letters of administration within six calendar months after his or her decease, or within two months after the determination of any suit respecting the will, or right to letters of administration, which shall not be ended within four calendar months after the death of the deceased; such person shall forfeit 100*l.*, and a further sum of 10*l.* per cent. on the amount of the stamp duty payable on the probate or letters of administration. 55 Geo. 3, c. 184, s. 37.

In taking out probate, the full amount of the testator's property, without deducting any thing on account of any debts owing by him, must be sworn to; but a return of duty on the ground of debts may be obtained on all probates of wills or letters of administration granted after the 31st of August, 1815. s. 51.

If it happen that the property of the deceased cannot be made promptly available to pay the stamp duty on probate and letters of administration, *credit* will be given by the commissioners for the duty; in such cases the duty for which credit is given becomes a debt due to the crown from the personal estate of the deceased, and if the executor or administrator pay any *other debt* in preference thereto, he is liable

not only to be charged with the duty out of his own estate, but also to forfeit 500*l.* s. 48.

Insurance.—Every person who signs or executes any unstamped policy whereby houses and goods are insured from loss by fire to the amount of 1000*l.* shall forfeit 10*l.*, half to H. M., half to the prosecutor, with full costs. 17 Geo. 3, c. 50, s. 24.

All persons who insure or keep an office for insuring houses, &c. from fire without taking out a license, shall forfeit for every day 50*l.*, and also double the amount of premiums received on each day. 22 Geo. 3, c. 48, s. 7. But *Royal Exchange* and London Assurance may insure without license.

The duties on fire insurances are collected by the fire insurance companies, and accounts of the duties received are rendered quarterly to the commissioners, verified by the oath of the secretaries to the insurance offices; and for default in the delivery of such accounts, the company or person making such default, shall forfeit 500*l.* 55 Geo. 3, c. 184, ss. 32, 33.

Country insurance companies, that is, those carrying on business at a greater distance than five miles from London or Westminster, shall, if required by the commissioners of stamps, transmit their quarterly accounts to the Stamp Office in London. s. 35.

In granting allowances for *spoiled stamps* on policies of sea insurance, it is provided no allowance shall be made where it is to depend on the condition of the underwriters' signing a declaration of the return of premium; unless the underwriters sign such declaration with their *surnames at length*, and

not with their initials only; and if any underwriter agree to return the premium on any policy and refuse to sign such declaration in the manner required, he shall for every offence forfeit 50*l.* 54 Geo. 3, c. 133, s. 1.

If any underwriter knowingly and wilfully sign any false declaration of the grounds on which the premium on any policy of insurance, or any part thereof, shall be returned, or any false declaration of the quantity of premium returned, in either of the cases he shall for every offence forfeit 100*l.* s. 9.

Legacy.—This is a gift by will or testament of the value of 20*l.* or upwards, payable out of the personal estate of the deceased, either by way of annuity or in any other form. Also any *donatio mortis causâ* is deemed a legacy. So too all gifts payable out of real estate either as an annuity or otherwise, are subject to the legacy duty; except in cases of sums charged on real estate, by marriage settlement or deed, and apportioned only by will. 36 Geo. 3, c. 52, s. 7; 45 Geo. 3, c. 28, s. 4.

Persons paying, compounding for, or receiving legacies without taking receipts, and causing the same to be stamped within the time allowed, to forfeit 10*l.* or the value thereof. 36 Geo. 3, c. 52, s. 28.

According to a note at the foot of the printed forms used at the stamp office, receipts for legacies must be dated on the day of signing, and the duty paid within twenty-one days after, under a penalty of 10*l.* per cent. on the amount of the duty; and if the duty be not paid within three

months from the date of the receipt, a penalty will be incurred of 10*l.* upon the amount or value of the legacy; and the commissioners of stamps cannot, under any circumstances, stamp a legacy receipt upon which the duty shall not have been paid within the time limited, unless the penalty be also paid.—*Brady's Stamp Duties*, 116.

Receipts for legacies may be stamped at any time, on payment of the duty, and a penalty of 10*l.* per cent. on the value of the legacy. If signed out of Great Britain, commissioners of stamps empowered to remit the penalty. 48 Geo. 3, c. 14[illegible] s. 44.

Executors or administrators entitled to legacies, previously to retaining them, to transmit the particulars to the commissioners of stamps, who shall assess the same with the proper duty, which must be paid within fourteen days, under penalty of treble the value, s. 35.

Penalty 500*l.* for altering, with intent to defraud the revenue or any person, any word, letter, figure, or number, in any assessment or receipt for the legacy duty after it has been signed by the proper officer. 36 Geo. 3, c. 52, s. 39.

Notaries Public.—Every person who exercises the office of a notary public, or does any notarial act without being admitted and without having delivered in his name and residence and taken out his certificate, shall forfeit 50*l*, and be incapable to do any notarial act or recover any fee on account thereof. 39 & 40 Geo. 3, c. 72, s. 7.

For penalty on notaries admitted under 3 & 4 Wm. 4, c. 79, and practising out of their district, see p. 30.

Receipts.—Every person giving a receipt on unstamped paper, or on paper stamped with a stamp of lower denomination than ought to be charged, shall forfeit 10*l.*, if the sum received be under 100*l.*, and 20*l.* if it amount to 100*l.* and upwards. 35 Geo. 3, c. 55, s. 8.

Every person who gives receipt or memorandum in which a less sum is expressed than the sum actually received, or who separates or divides the sum received into divers sums, with intent to evade the duties, or with the like intent writes off any part of any debt, or who is guilty of any fraudulent contrivance with intent to defraud the revenue, shall for every offence forfeit 50*l.* s. 9.

Any person who has paid money liable to the receipt duty without taking a receipt, may provide a stamped receipt, and require the person to whom he has paid the money to give him a discharge, and also to reimburse him the duty; and if he refuse, he is liable for every offence to a penalty of 10*l.* 43 Geo. 3, c. 126, s. 5.

No receipt can be given in evidence in courts of law or equity unless the same is duly stamped. s. 8.

Receipt expressing any general acknowledgment of any debt or demand, or whereby any sum mentioned is acknowledged to be *in full of all demands*, requires a 10*s.* stamp to be valid in a court of justice. 2 *Tyr. & Tyn. Dig.* 1476.

The receipt duty of 2*d.* on sums under 5*l.* has been repealed by 3 & 4 Wm. 4, c. 23.

II. RECOVERY OF PENALTIES.

By 44 Geo. 3, c. 98, s. 10, no action or proceeding for the recovery of any penalty or forfeiture under the stamp laws can be instituted against any person unless the same be commenced and be prosecuted in the name of the attorney-general in England and advocate for Scotland, or in the name of the solicitor or some other officer of the stamp duties. But exceptions from this in case of stage-coaches and the post-horse duties. 2 & 3 Wm. 4, c. 120, ss. 102, 104.

Penalties are recoverable with full costs when actions or proceedings are commenced in the name of the king or in the name of any person in his behalf. Commissioners of stamps may stay proceedings in any prosecution commenced by their direction, and may mitigate penalties and costs. 53 Geo. 3, c. 108, ss. 23, 24.

III. SALE OF STAMPS.

The sale of stamps by other than persons *licensed* by the commissioners of stamps is prohibited, on pain of 20*l*. 3 & 4 Wm. 4, c. 97, s. 3.

Commissioners may grant a license *free of expense* to any person whom they think fit to deal in stamps at any place in *Great Britain* named in such license; the person licensed giving bond in the penal sum of 100*l*. not to deal in other than lawful stamps. Persons licensed to paint their Christian and surnames with the words *Licensed to sell*

stamps, in Roman capital letters on the front of their houses or shops, and keep the same distinct and legible; penalty for omission 10*l*. s. 5.

Unlicensed persons painting on their shops, &c., any words importing that they are dealers in stamps, to forfeit 10*l*. for every day such offence is continued. s. 6.

If any person, whether he be licensed or not, ***hawk or carry*** about for sale or exchange any stamps, or offer them for sale or exchange at any house, shop, or place, other than that in which he resides or *bonâ fide* carries on his business, he shall forfeit 20*l*. over and above any penalty to which he may be liable for dealing in stamps without license. Such offender may be seized by any person without warrant in order to his being carried before a magistrate. s. 14.

New Dies.—Commissioners of stamps are empowered from time to time to discontinue all or any of the dies heretofore used, and to cause new dies with such altered devices as they think fit to be substituted. After a day fixed by notice in the *London* and *Edinburgh Gazettes* (not being within *one calendar* month next after the day has been advertised) the new dies to be the only true and lawful dies, and all deeds and instruments stamped with any other dies to be deemed not ***duly stamped***. ss. 16, 17.

CHAP. LXV.

SPIRITUOUS LIQUORS.

For the penalties connected with the distilling, compounding, rectifying, and sale of *British* spirits, see the chapter on the *Distillery Laws;* in this will be comprised the penalties connected with the importation and sale of *foreign* spirits.

If any person deliver out of any vessel *French* brandy before the duty be paid or secured, or without license from the proper officer, the same shall be forfeited and double the value; and if any officer of customs connive thereat he shall forfeit 500*l*., and be disqualified for office. 1 Anne, sess. 2, c. 14, s. 2.

If any officer of the excise suspects that foreign brandy, rum, arrack, spirits, or strong water is fraudulently concealed, he may obtain a warrant authorizing the seizure of the same, which becomes forfeited, together with the casks or vessels, and if any person obstruct such officer, penalty 100*l*. 11 Geo. 1, c. 30, s. 2.

No seller of, or dealer in foreign spirits, residing within the limits of the head office of excise, London, (not being a licensed retailer) is permitted to make entry of any warehouse, room, shop, cellar, vault, or other place for keeping foreign brandy, arrack, rum, spirits, or strong water; unless he inhabit a tene-

ment of 12*l.* a year or upwards, and for which he is assessed in his own name, and pay to the parish rates; nor elsewhere, unless he be assessed and pay to church and poor. Penalty same as for dealing in an unentered place. And where an entry has been made of any place, no other seller or dealer can make an entry of the same, nor of any other warehouse under the same qualification of residence. 23 Geo. 3, c. 70, ss. 1, 2.

Officers of excise, before the gauging, may take a sample not exceeding half a pint, out of each cask of foreign spirits imported, without paying for the same; and the importer, in presence of the officer and while the spirits are on shipboard, may take a like sample without paying the duty. 32 Geo. 2, c. 29, s. 1.

Officer may take samples of foreign spirits in the custody of any distiller, rectifier, compounder, or dealer, not exceeding four gallons, paying for the same at the rate of 13*s.* per gallon; obstructing officer, penalty 100*l.* 26 Geo. 3, c. 73, s. 36.

Officer by day or night, upon *one* hour's previous notice having been given to any importer or proprietor of *rum or spirits* of the growth of the British sugar plantations, may enter his warehouse and survey and take samples not exceeding half a pint out of each cask, paying for the same (if demanded) at the rate of 3*s.* per gallon; penalty on obstructing officer in such survey 200*l.* s. 15.

Upon oath made by any person that he suspects the importer or proprietor of rum and spirits intends

to enter his warehouse in the night time, or that he is actually in the warehouse without the privity of the officer, the officer may, authorized by warrant of a justice or the commissioners, enter such warehouse by force; obstructing the officer, penalty 200*l.* s. 16. If any unfair *increase* or *decrease* of stock is found in such warehouse the importer to forfeit 500*l.* s. 17.

If the importer by any device opens the warehouse, except in presence of proper warehouse-keeper or excise officer, he shall forfeit 500*l.* 17 Geo. 3, c. 52, s. 15; 3 & 4 Wm. 4, c. 57, s. 11.

Foreign and British Spirits.—Every dealer in spirits who receives into his possession foreign or colonial spirits (not being compounded colonial spirits) and also *British* spirits, shall keep them in separate cellars, vaults, or other places, specially entered for that purpose, upon pain of forfeiting 100*l.* or 20*s.* for every gallon of British spirits, and the forfeiture of the foreign or colonial spirits. Mixing British with foreign or colonial spirits, subjects the same to forfeiture and a penalty of 100*l.* 6 Geo. 4, c. 80, s. 126.

Every dealer in and retailer of spirits is allowed, on all foreign or colonial spirits (not being compounded colonial spirits) brought into his stock, additional credit, over and above credit for the number expressed in the permit accompanying such spirits and delivered to the officer, for such further number of gallons as shall be equal to the number of gallons of water added to and mixed with such spirits in pre-

sence of officer in order to reduce the strength to the strength of 17 *per centum* under proof. *id.*

For the *tonnage* of ships and *size* of casks in which foreign spirits are allowed to be imported, see *Customs*, p. 117.

CHAP. LXVI.

STARCH AND STONE BLUE.

Makers of starch for sale are required to take out annual license, on pain of 100*l*. They must not pain of 200*l*. erect nor enlarge any building for the making or keeping of starch, or of materials for starch, nor use any vat, trough, stove, kiln, or utensil, without giving notice thereof, and of their name and abode, to the nearest excise office. All rooms and places, vessels and utensils, must be marked and numbered under the direction of the surveyor or supervisor, and at the expense of the starchmaker, on pain of 50*l*. Within the limits of the head office of excise, London, he must occupy a tenement of 10*l*. a year, and be assessed in his own name to the parish rates; elsewhere, he must be assessed to the church and poor or to house and window duties. His name must be painted on the outer door of the starch-house, in letters at least three inches long, with the addition of *starchmaker*, on penalty of 100*l*. All flour, meal, and other materials for mak-

ing starch found in any *private* place, and all utensils and vessels unentered, become forfeited. Officers may enter his premises and survey at any hour; but if in the night it must be on request, and in presence of a constable. 10 Anne, c. 26, s. 14; 19 Geo. 3, c. 40, s. 12; 26 Geo. 3, c. 51, s. 20; 6 Geo. 4, c. 81, s. 26.

Emptying of Vats.—Maker, if within the bills, must give 12 hours', elsewhere 24 hours' notice, of the time he intends to begin emptying his vats; if he shall not begin within two hours after time mentioned notice void; and penalty for emptying without notice 100*l.* Upon a like penalty after he has begun to empty or wash out his vats, he m[illegible] continue the same without intermission (except [illegible] one night), so that he shall finish within 48 hours from the commencement. When the vats are emptied and the water put into the tubs, the water must remain undisturbed for 48 hours at least, and no slime or wort be taken off, on pain of 100*l.* 19 Geo. 3, c. 40, ss. 6, 7, 9; 26 Geo. 3, c. 51, s. 15.

If the maker, while the starch is in operation and under water, mix any of the starch-water of one making with the starch-water of another, even in presence of an officer, he shall forfeit 100*l.*; but slime which has been entered as such for 24 hours may be mixed in officer's presence. 26 Geo. 3, c. 51, s. 18.

Taking off Slime.—After the sour waters have remained undisturbed for 48 hours, and the maker is desirous of taking off the slime and wash from the

tubs, he must give 12 hours', if within the bills, elsewhere 24 hours' notice of his intention, and if he does not begin within two hours of the time mentioned, notice is void; and to begin without giving fresh notice subjects to a penalty of 100*l.* 19 Geo. 3, c. 40, s. 8.

Upon a like penalty after beginning to take off the slime and wash he must continue to shift the sour water, so as to finish the whole within 12 hours from the time of commencement. 26 Geo. 3, c. 51, s. 15.

When the taking off the slime and wash is finished, and the green waters are put into the tubs, they must remain undisturbed for 24 hours; and that the officers may be able to ascertain the time when the green waters were put into the tubs, the maker must give notice to the officer of the time he finished shifting the sour water, on pain of 100*l.* s. 16.

When the slime has been taken off into a tub it must remain therein for 24 hours, on pain of 100*l.* 19 Geo. 3, c. 40, s. 9.

Boxing Starch.—Maker to use regular square or oblong boxes only for draining the green starch before it is dried in the stove, on pain of 10*l.* If within the bills he must give 12 hours', elsewhere 24 hours' notice of his intention to put any green starch into such boxes, expressing in the notice the time and particular frame or tub from which he intends to box any starch; after beginning to box he must continue to box till the whole quantity in the frame or tub be boxed; neglecting to give notice, or not continuing to box, penalty 200*l.* s. 11.

Drying in the Stove.—When the maker has broken the starch from the boxes, he must deliver to the officer an account of the number of pieces distinguishing them into *middle* and *small;* when scraped or put into papers into the stove for drying, the pieces must be placed in such order that the officer may be able to count them, the maker assisting in the operation; and for two hours after the officer has entered, the stove fire not to be stirred nor smoke raised lest he be hindered in counting the pieces. Maker offending in any of these particulars to forfeit 200*l.* 19 Geo. 3, c. 40, ss. 13, 14, 15.

Maker intending to break down any piece into scrapings, he must give officer, if within the bills, 12 hours', elsewhere 24 hours' notice; and if he does not begin within two hours of the time mentioned, he must give fresh notice on pain of 100*l.* s. 16.

Like notices must be given before removing starch from the stove, on pain of 200*l.* 26 Geo. 3, c. 51, s. 19.

If officer find any piec[illegible] starch drying of which no account has been taken in the box, maker to forfeit 100*l.* 19 Geo. 3, c. 40, s. 17.

Papering and Stamping.—All starch before it be put into the stove or place to dry (except for crusting) must be put into papers, of which papering 12 hours', if within the bills, elsewhere 24 hours' notice must be given; notice to express number of pieces intended to be papered and when intended to be dried, and if papering is not begun within one hour after time mentioned, notice void. Every

piece of starch, when papered, to be so tied with strings and stamped that it cannot be opened without tearing the stamped paper. 26 Geo. 3, c. 51, s. 2.

Penalty 500*l.* for knowingly selling any starch with a forged stamp, or affixing any paper duly stamped to any piece of starch, other than that originally enclosed therein. s. 14.

If any piece of starch papered and not stamped, or not properly papered, or any scrapings of starch be found, the same become forfeited and maker fined 200*l.* . But not to extend to pieces of starch put into stove for crusting. s. 3.

After the starch has been papered and stamped, and within one hour, the scrapings must be weighed and put into water, and not mixed with other starch or preparations, and when dissolved and strained taken an account of as green water; and the same not be again meddled with till notice has been given of boxing. Penalty on maker for neglect, or using any contrivance for increasing weight of scrapings before they be weighed, 200*l.* ss. 9, 10.

Maker to provide true scales and weights on pain of 100*l.* 10 Geo. 3, c. 44, s. 1.

Removal of Starch.—Starch that has not been surveyed, not to be removed without giving 24 hours' notice if within the bills, elsewhere two days' notice. 10 Anne, c. 26, s. 19.

Penalty 200*l.* for removing starch out of the drying place before it has been weighed by officer. 19 Geo. 3, c. 40, s. 19.

No starch exceeding 28 lb. to be removed by land

or water, unless *Starch* be marked on the package in legible letters, three inches long, on pain of forfeiture, with boat, carriages, and horses, used in removing it. 24 Geo. 3, sess. 2, c. 48, s. 4.

If a dealer receive any quantity of starch exceeding 28 lb. not marked *Starch*, he shall forfeit 200*l.* s. 5. All starch not papered and stamped, and all loose starch exceeding 28 lb., and scrapings of starch found in the possession of any maker or dealer, or being removed, become forfeited.

Starch privately concealed or made becomes forfeited, and penalty of 50*l.* incurred; obstructing officer in search for the same, penalty 100*l.* 23 Geo. 2, c. 21, s. 34. Penalty 30*l.* for *assisting* in the making of starch in an unentered place.

All starch unsurveyed to be kept apart from the surveyed for 24 hours after making within the bills, elsewhere in *Great Britain* two days, on pain of 5*l.* 10 Anne, c. 26, s. 20.

Payment of Duties.—A weekly entry in writing at the excise office to be made by every maker of the starch made by him, specifying the weight and quantity made at each time, on pain of 50*l.* Entry to be on oath of maker or his chief workman. Duties to be paid off within one week after the entry; or on default no maker to sell or deliver out starch, on pain of forfeiting double the value. 19 Geo. 3, c. 40, ss. 3, 4.

II. IMPORT AND EXPORT OF STARCH.

Cocket granted for carrying starch *coastwise* must express the quality, quantity, and weight, the mark of the package, and by whom made and sold, and where consigned; if otherwise shipped it becomes forfeited. 23 Geo. 2, c. 21, s. 29.

No starch to be *imported* except in a package containing at least 224 lb. net, and stowed openly in the hold; penalty seizure and forfeiture of starch, and master of vessel to forfeit 50*l.* s. 27.

Officer who attends to see starch packed for exportation to mark every paper with the word *Exportation;* and starch afterwards found on land (except in removal to the ship) becomes forfeited. 26 Geo. 3, c. 51, ss. 5—8.

If any person knowingly harbour or conceal starch unlawfully imported, or relanded after shipping for exportation upon drawback, he shall forfeit 50*l.* for every 100lb., together with packages. 23 Geo. 2, c. 21, s. 32.

Export of Starch from Ireland.—Persons intending to export starch made in Ireland to Great Britain, must give six hours' notice to officer of customs, specifying the number of packages, the number of parcels, and the net weight of the starch in each package; every package to weigh not less than 224lb., and to be marked *starch* in distinct letters of two inches in length at least; notice also to specify place of shipment, name of the ship and

place of consignment; and bond to be given for due exportation. Officer to take account of starch, and certificate of shipping to be given to master of vessel, and a duplicate sent to the surveyor of the port of importation. On arrival of vessel, certificate to be produced, and the officer being satisfied the importation is legal, the starch to be labelled and stamped. Penalty 20*l.* if packages do not agree with particulars specified in the notice. If starch shipped for exportation be not landed in Great Britain (unavoidable accidents excepted), and duty paid within three months, the bond becomes forfeited. And if regulations, as to exportation and importation be not complied with, starch becomes forfeited. If packages imported, as starch made in Ireland, contain foreign starch or other goods, the packages and goods become forfeited, and the importer and every person concerned shall also forfeit 100*l.*, or treble the value of the goods and packages. 1 & 2 Geo. 4, c. 29, ss. 1—3.

III. MAKERS OF HAIR POWDER.

Maker of hair powder to enter at the next excise office, his place of abode and workshop, on penalty of 20*l.* Officer in the daytime, on request, may enter places used for making hair powder, and the shops of perfumers, peruke-makers, barbers, and other dealers therein, and take away samples, paying for the same a reasonable price. Obstructing entrance of officer, penalty 20*l.* Maker adulterat-

ing hair powder, to forfeit 20*l.*, and having in his possession ingredients for that purpose, to forfeit 10*l.* 4 Geo. 2, c. 14, s. 5—8.

IV. MAKERS OF STONE BLUE.

Maker of stone blue for sale to enter at the nearest excise office his name and abode, together with the workshop used for making or keeping stone blue or materials. Penalty for omission 50*l.* Officer by day may enter workshop on request, survey and take samples on paying a reasonable price for them; obstructing or molesting officer, penalty 50*l.* Keeping above 28 lb. of stone blue or hair powder in an unentered place, subjects to penalty of 50*l.* 26 Geo. 3, c. 51, ss. 21, 22, 24, 25, 26.

The 3 Wm. 4, c. 17, s. 1, repeals s. 23, of 26 Geo. 3, and enacts that the maker of stone blue, who uses any starch, the full duties whereon have not been charged, or any flour, meal, or other farinaceous substance, *other than starch*, or who has on his premises entered for making stone blue any flour, meal, or other farinaceous substance to be used in lieu of starch, or who has on his premises any starch *privately* made; he shall for every such offence forfeit 100*l.*, together with the stone blue, starch, meal, &c. s. 2.

Every maker of stone blue who shall have in his possession, or use in the making thereof, any *fuller's earth, Derby earth, plaster of Paris, chalk, or other earthy matter;* he shall forfeit 100*l.*, toge-

ther with the prohibited articles. But the maker may use pipe clay in making stone blue, in the proportion of five pounds of pipe clay to 1 cwt. of starch, for the purpose of rendering the stone blue firm and adhesive. 3 Wm. 4, c. 17, s. 3.

CHAP. LXVII.

STOCK JOBBING.

All contracts on which any premium is given to put upon or to deliver, accept or refuse any public or joint stock, or securities soever, and all wagers, puts, and refusals, relative to the present and future price of stock or securities are void; the premiums may be recovered by action with double costs, and the persons entering into and executing such contracts, to forfeit 500*l*., half to the king, half to the prosecutor. 7 Geo. 2, c. 8, ss. 1—4.; made perpetual, 10 Geo. 2, c. 8.

No money or other consideration to be given or received for compounding differences, for not delivering or receiving stock or securities, but the contracts to be specifically executed under pain of 100*l*. 7 Geo. 2, c. 8, s. 5.

Stock agreed to be transferred and paid for on a certain day, not accepted and paid for on that day, may be sold to any other person, and the loss sustained by non-performance of agreement recovered

by action. s. 6. On the contrary, stock contracted to be transferred, and paid for on a certain day not delivered, the buyer may purchase stock of another and recover his loss from the first seller. s. 7.

Contracts to transfer stock, on behalf of parties not possessed thereof at the time void, and subject to a penalty of 500*l.*; and broker or agent negotiating such contracts, penalty 100*l.* s. 8.

Brokers, who receive a brokerage in the buying or selling of stock, to keep a broker's book, in which all contracts, on the day made, and the *principal* parties thereto shall be entered. Penalty for neglect 50*l.* s. 9.

The act does not prohibit lending money on stock, so that no premium exceeding legal interest is received.

CHAP. LXVIII.

STOCKING MANUFACTURE.

Frame-work knitted pieces and stockings made of thread, cotton, worsted, or yarn, or any mixture of such materials, or any other materials (except silk) containing three or more threads, shall be marked with as many *eyelet-holes* only as there are threads contained in each piece or pair of stockings; such eyelet-holes to be made in a distinct manner, in one direct line, or in the same course,

and not exceeding three inches from the two extreme eyelet-holes, and not within four inches of any letter or device, but within four inches of the top. Penalty for neglect, the forfeiture of the article, and *5l.* for every piece of frame-work knitted goods, or pair of stockings. But manufacturers may use remnants, or materials of any sort, in the welts and tops of stockings, at not exceeding three inches from the top, though these parts do not contain so many threads as the legs. 6 Geo. 3, c. 29, ss. 1, 2, 3.

The penalty of *5l.* does not extend to persons not making goods on their *own* account. s. 4.

Persons employed in the above manufacture who do not mark as directed any frame-work knitted piece and pair of stockings they make or work, to forfeit not exceeding 40*s.* nor less than 5*s.* for every piece and pair. s. 5.

Selling or exposing to sale any frame-work knitted piece or pair of stockings, not marked as directed, subjects to a penalty of *5l.* for every piece or pair. s. 7.

Any justice (not engaged in the trade) where the offence is committed, may convict under the act. Half the penalties, with costs, to the informer, half to the poor of the parish. s. 9.

Exporting any frames for knitting stockings, gloves, or other wearing necessaries, subjects to a penalty of 40*l.*, half to H. M., half to the party prosecuting. 7 & 8 Wm. 3, c. 20, s. 8.

CHAP. LXIX.

STONE BOTTLES.

The stone bottles subject to the statute are described to be every bottle, or other vessel used as a bottle, made of earthen or stone ware, or of earth or clay alone, or mixed with any other material, which does not exceed two quarts in measure, or the mouth or neck of which does not exceed in diameter, in the narrowest part of the inside, three inches. No bottle made of the materials mentioned to be made of less capacity than three ounces of distilled water, on penalty of 50*l.* 57 Geo. 3, c. 32, ss. 3, 7.

Blacking Bottles.—All stone bottles made in G. B. or in Ireland, and imported into G. B., which do not exceed one pint in measure, and the mouth or neck of which are not less than one inch and a half in diameter in the narrowest part of the inside, and which are permanently stamped in the making in legible characters, with the words *Blacking Bottle*, shall be deemed a stone bottle, made for the sole purpose of containing liquid blacking. Selling any such stone bottle for any other purpose than holding liquid blacking, or attempting to export the same on drawback, subjects to a penalty of 50*l.* 57 Geo. 3, c. 119, ss. 1, 2, 3.

Entry and Manufacture.—Prior to the manu-

facture of stone bottles, the maker must make an entry in writing, at the next excise office of all his premises intended to be used in the business of making stone bottles, or the keeping or preparing of materials; also of every vessel, cone, stove, kiln, cistern, vat, lathe, trundle, or implement intended to be used. Penalty 100*l.* for every place or utensil omitted to be entered, and forfeiture of stone bottles made, and materials on the premises. 52 Geo. 3, c. 139, s. 4.

Officers may enter premises to survey at all hours, but if between 11 at night and five in the morning, it must be in presence of a constable. s. 6.

Maker must give six hours' notice, in writing, to the officer, of the time he intends to begin to put bottles into the kiln, stove, or oven for baking or burning, specifying the kiln or stove intended to be used: and if maker does not begin within one hour after the time mentioned, notice becomes void, and fresh notice must be given, on pain of 50*l.* Upon a like penalty of 50*l.* a declaration must be given to the officer before beginning to stop up the kiln or stove, of the number, kind, and size of the bottles deposited therein; but penalty not incurred if number of bottles declared does not deviate exceeding 5 *per cent.* from the truth. Six hours' notice to be given of lighting the fire to heat the kiln, &c.; but fire not to be lighted till after the expiration of one hour from the time when the depositing of the stone bottles has finished, on pain of 50*l.*; and if fire be

not lighted within one hour after the time fixed in notice, the notice becomes void, and a fresh one must be given, on pain of 50*l.* ss. 7, 8, 9.

Scales and Weights.—Maker to provide a convenient weighing-room adjoining the kiln, and just scales and weights for the use of the officer, on pain of 100*l.*; and if maker practise any fraud in the weighing, or hinder the officer, he shall forfeit 100*l.* s. 11.

Maker must give 12 hours' notice of the time he intends to begin drawing bottles from the kiln; upon the attendance of officer at the time mentioned, maker forthwith to begin drawing, and continue drawing till the whole be drawn. Bottles drawn to be immediately conveyed into weighing-room, placing them in such order as admits of their easy inspection, and officer requiring it, the bottles to be weighed in his presence, and maker to be charged with the duty. Penalty for omission or disobedience 100*l.* Time of drawing, specified in notice, must be between six in the morning and six in the evening. ss. 12, 13.

In weighing, the turn of the scale to be in favour of the crown, and, in lieu, 1 lb. in 100 lbs. to be allowed the maker. Bottles to be weighed and charged with duty as soon as baked or burnt, and obstructing or molesting officer, penalty 100*l.* Bottles weighed not to be removed or disturbed in the weighing-room till six hours have elapsed, unless sooner reweighed by the supervisor, on pain of 100*l.* Maker and his servants to assist officer in weighing,

if required, on pain of 100*l.* Removing bottles before they have been weighed, or concealing them to defraud the revenue, penalty 100*l.* Bottles weighed to be kept separate from the unweighed, on pain of 100*l.* 52 Geo. 3, c. 139, ss. 13—18.

Officer may take a sample of any stone bottles or earthenware, either baked or unbaked, burnt or unburnt, paying for the same, if demanded, the wholesale price; refusing him a sample, penalty 100*l.* s. 21.

If maker use any concealed place, or cone, kiln, stove, or oven, or any vat, cistern, lathe, implement, or utensi[illegible]er than such as are entered, he shall forfeit 1[illegible]. 23.

Assaulting, resisting, or molesting an officer in his duty, penalty 200*l.*; and giving or offering him a *bribe* or recompence to conceal or connive at any fraud relating to the duties, penalty 500*l.* ss. 28, 29.

Payment of Duties.—Maker to make an entry at the excise office every six weeks of all the stone bottles manufactured within that time; such entry containing the number, sorts, and measure of each sort, with the aggregate weight of the total number. Penalty for omission 100*l.* Duties to be cleared off within six weeks after each entry, upon pain of forfeiting double the duties unpaid. ss. 19, 20.

CHAP. LXX.

SWEARING AND DRUNKENNESS.

Every person who shall profanely curse or swear shall forfeit on conviction, if a day-labourer, common soldier, sailor, or seaman, 1*s.*; every other person under the degree of a gentleman 2*s.*, and every gentleman or person of higher degree, 5*s.* For a second offence the penalties are doubled; and after a second offence trebled, with costs. 19 Geo. 2, c. 21, s. 1.

Persons offending in presence of a justice may be forthwith convicted without further proof. s. 2. If in the hearing of a constable and unknown, the constable may forthwith apprehend the offender; but if known, the constable must proceed by information. ss. 3, 4. Justices omitting to perform their duty in execution of the act, to forfeit 5*l.* s. 6. Constables guilty of like offence, to forfeit 40*s.* s. 7.

The 13th section, imposing a penalty on clergymen for not reading the statute four times a year in churches and public chapels, is repealed by 4 Geo. 4, c. 31.

II. PROFANENESS AND APOSTACY.

If any person, in any stage-play, interlude, show, May-game, or pageant, jestingly or profanely speak or use the name of God, of Jesus Christ, of the Holy

Ghost, or the Trinity, he shall forfeit 10*l*., half to the king, half to informer. 3 Jac. 1, c. 21.

If any person, in any interlude, play, song, or rhymes, or by other open words, speak any thing in derogation of the *Book of Common Prayer,* or by open threatenings cause any minister to sing or say any common prayer contrary thereto, he shall for a *first* offence forfeit 10*l*. and 100 marks; for a *second* offence 20*l*. and 400 marks; for a *third* offence forfeit all his goods and suffer imprisonment for life. 2 & 3 Edw. 6, c. 1, s. 2; 1 Eliz. c. 2, ss. 9, 10.

If any person educated in, or having made profession of the Christian religion, shall by writing, printing, teaching or advised speaking, deny any one of the persons in the *Holy Trinity* to be God, or shall maintain there are more gods than one, or deny the Christian religion to be true, or the Holy Scriptures to be of divine authority, he shall for the first offence be incapable to have or enjoy any office or employment, ecclesiastical, civil, or military; for a second offence be disabled to prosecute any action in law or equity, be guardian, executor, or administrator of any person, or be capable of any legacy or deed of gift, and shall suffer three years' imprisonment. 9 & 10 Wm. 3, c. 32, s. 1.

No person can be prosecuted under the act for words *spoken,* unless the information be given on oath before a justice within four days after, and the prosecution be within three months after the information. s. 2.

Persons convicted of a first offence may, on re-

nunciation of their opinions in open court, within four months after conviction, be discharged from all penalties and disabilities. s. 3.

But the act is repealed, so far as it punishes for a denial of the Trinity, by 53 Geo. 3, c. 160, s. 2.

III. DRUNKENNESS.

For "repressing the odious and loathsome sin of drunkenness" (recital of the statute) it is enacted that all persons who shall be drunk, and be thereof convicted, shall forfeit 5*s*. to the use of the poor; or, if not paid, be committed to the stocks for six hours. 4 Jac. 1, c. 5. On a second conviction the offender may be bound in two sureties to his future good behaviour. s. 5.

CHAP. LXXI.

SWEETS.

Every maker of sweets, or made wines, for sale, is required to take out a license which costs 2*l*. 2*s*., and every retailer of sweets a license which costs 1*l*. 1*s*. No license can be granted to a retailer of sweets, unless the applicant has received a magistrate's license for the sale of beer by retail. Making sweets without a license, penalty 100*l*.; selling them without license, penalty 50*l*. 6 Geo. 4, c. 81, s. 26.

Persons who have in their possession any liquors

exceeding 100 gallons, made by infusion, fermentation, or otherwise, from fruit or sugar, or from fruit or sugar mixed with any other materials, are deemed makers of sweets or made wines, and under the survey of the excise. 55 Geo. 3, c. 177, s. 4.

Maker of sweets for sale must give notice to the excise of his name and abode, and of the rooms or places he intends to use for the making or keeping of sweets on pain of 20*l.* 10 Geo. 2, c. 17, s. 4.

Maker who intends to draw off sweets from any steep or utensil in which the same has been made, must give to the officer under whose survey he is, six hours' notice, in writing, if within the limits of the London district, elsewhere in G. B. twelve hours' notice of his intention; specifying the time when, the particular steep intended to be drawn, and the quantity of sweets. Upon the officer attending, if he think fit, the sweets to be drawn off, and if the maker begin to draw off without giving notice, or does not use due diligence in drawing off on the officer's attendance, he shall forfeit 50*l.*, together with the sweets drawn off without notice. But the maker is not subject to penalty for not specifying quantity in his notice, if the whole quantity contained in the vessel be drawn off; and the pressing out the remains from the fruit be finished within 72 hours from the commencement of the drawing. 55 Geo. 3, c. 177, ss. 1, 2.

Maker not to send out sweets in any less quantity than a *whole cask*, containing 15 gallons, on penalty of 50*l.* s. 3.

If any maker conceal sweets from the view of the gauger he shall forfeit for every barrel 40*s*. 7 & 8 Wm. 3, c. 30, s. 16.

II. CIDER, PERRY, AND MEAD.

Persons desirous of selling cider and perry by retail may obtain an excise license for that purpose, upon the payment of a duty of 1*l*. 1*s*. They are subject to the same regulations as the sellers of beer under an excise license (see page 14). Selling cider or perry without license subjects to a penalty of 20*l*. 1 Wm. 4, c. 64, s. 7.*

Dealers in cider and perry, and persons who buy fruit to make into cider and perry, are required to make entry at the excise office of the district of their storehouses, cellars, and other places on pain of 50*l*. 3 Geo. 3, c. 1, s. 25.

Factor or agent receiving cider or perry into his possession, must, three days before he begins to dispose of the same, make an entry of his name and warehouse at the excise, on pain of 50*l*. 6 Geo. 3, c. 14, s. 19.

If any maker of cider, metheglin, or mead, for sale, conceal or convey away any of them from the view of the gauger, he shall forfeit for every hogshead of cider 40*s*. and so in proportion for every gallon

* The duties payable on beer and cider were repealed from Oct. 10th, 1830, by 1 Wm. 4, c. 51; but the hereditary duties on ale, beer, and cider in Great Britain, granted to the crown under an act of Charles II., *revive* on the death of his present Majesty.

of metheglin or mead. And if any maker of the said liquors refuse to permit the gauger to enter his premises he shall forfeit 15*l*. 7 & 8 Wm. 3, c. 30, ss. 16, 17.

If any common brewer or maker of cider, making beer or cider for sale, shall deliver to any distiller or vinegar maker any wash, tilts, ale, beer, vinegar-beer, or cider, without first giving notice to the officer what quantity he intends to deliver, and when, and to whom, he shall forfeit for every barrel 20*s*. 8 & 9 W. 3, c. 19, s. 9.

There are some other regulations relative to the making of cider, but as we are not sure to what extent they have been modified by the repeal of the duty, we forbear to insert them.

CHAP. LXXII.

TALLOW-MELTERS.

The license duty paid by chandlers and all duties on candles ceased under 1 & 2 Wm. 4, c. 19; and the makers of candles for sale were placed under regulation and survey as melters of tallow.

Every melter of tallow, fat, grease, or kitchen-stuff, not being an entered maker of candles, must give notice, in writing, to the excise, of every house, room, or place intended to be used in his business; and any officer of excise may enter his premises, survey, and take samples, not exceeding one pound

weight, of any tallow, fat, grease, or kitchen-stuff in his possession, paying for the same the current price. And if any melter make use of an unentered place, or if any person, not being an entered soapmaker, have in his possession any *barilla, kelp, black ashes, or any lees, ley, or lye*, or if any person at any time obstruct an officer in going into the premises entered or used by a melter of tallow, &c., or from surveying and taking samples, every person so offending shall forfeit 200*l.*; and all the barilla, kelp, &c., found in custody of the offender, not being an entered soapmaker, shall be seized and forfeited. 59 Geo. 3, c. 90, s. 7.

CHAP. LXXIII.

TEA, COFFEE, AND CHOCOLATE.

I. IMPORTATION OF TEA.

After the 22d of April, 1834, tea may be imported into the United Kingdom from the Cape of Good Hope, and from places eastward of the Cape, to the Straits of Magellan, and not from any other place, subject to the general regulations of customs. (See 3 & 4 Wm. 4, c. 52, p. 111.) It may be also imported into Guernsey, Jersey, Alderney, and Sark, and into the British possessions in America, from the Cape and places eastward to the Straits of Ma-

gellan, or from the United Kingdom, subject to the act regulating the British colonial trade. 3 & 4 Wm. 4, c. 101, ss. 1, 2. (See 3 & 4 Wm. 4, c. 59, p. 134.)

Duties on Tea.—After 22d April, 1834, the excise duties payable on tea cease, except as to teas sold at the public sales of the East India Company prior to that time, and the duties of customs, as set forth in the following table, become payable:

DUTIES ON TEA IN WAREHOUSE OR IMPORTED INTO THE UNITED KINGDOM.

		s.	*d.*
Bohea . . .	the pound	1	6
Congou, Twankay, Hysonskin, Orange, Pekoe and Campoi . .	the pound	2	2
Souchong, Flowery Pekoe, Hyson, Young Hyson, Gunpowder, Imperial, and other sorts not enumerated .	the pound	3	0

The allowance called *draft*, made by the commissioners of excise, will be made by the commissioners of customs. 3 & 4 Wm. 4, c. 101, s. 3.

No abatement of duty will be made on account of *damage* received by tea during the voyage; but the importer may separate the damaged parts and abandon them to the commissioners of customs for the duty. s. 4.

If different sorts of tea mixed together be imported in the same package, the *whole* will be liable to the highest rate of duty to which any of such sorts would be separately liable; and if two or more sorts of tea, not perfectly mixed together, be imported in one package, the same shall be forfeited. s. 5.

All transactions with the commissioners of excise and their officers are binding until the transfer of the management of the duties to the customs has been effected by the Lords of the Treasury. And nothing in the act extends to alter or affect any law of excise relating to licenses for the sale of tea, or to permits for the removal of tea, or otherwise to the *internal management of tea by the excise* after the import duties have been paid and the tea delivered out of the charge of the customs officers. But the Lords of the Treasury may discontinue the practice of issuing permits for the removal of tea, and establish other rules in lieu thereof. ss. 6, 7.

II. DEALERS IN TEA, COFFEE, &c.

Persons trading in or selling tea, coffee, chocolate, cocoa-nuts, or pepper, are required to take out an annual license which costs 11*s.*; selling without license subjects to a penalty of 50*l.* 6 Geo. 4, c. 81, ss. 2, 26.

Every person who keeps a public-house, shop, cellar, or other warehouse for selling brandy and other spirituous liquors, and who has in his custody for his use any coffee, tea, chocolate, or cocoa-nuts, above 6 lbs. of any kind shall be deemed a dealer in such commodities. 11 Geo. 1, c. 30, s. 4.

Every dealer, either by wholesale or retail, before he takes any tea, coffee, chocolate, or cocoa-nuts into his custody, must make an entry in writing of all warehouses and places intended to be used by him for keeping the same at the excise office, on pain

of forfeiting 200*l*., together with the articles found in his possession, with canisters, bags, vessels, and other packages. s. 10.

None of the said articles to be offered for sale except in an entered place or warehouse approved by commissioners, on pain of forfeiting the sum of 10*l*. 10 Geo. 3, c. 46, s. 6.

If the officer find any fraudulent increase in the stock of a dealer since the last survey, such increase becomes forfeited and the dealer fined 50*l*. 21 Geo. 3, c. 55, s. 29.

Removal of Tea.—No tea above the quantity of 6lbs. to be removed by land or water, from any part of the kingdom without a permit, on pain of being forfeited. 12 Geo. 3, c. 46, s. 5.

Tea exceeding in quantity 6lbs., with or without a permit, can only be removed from one part to another between seven in the morning and five in the evening, from *Sept.* 29, to *March* 25, and between five in the morning and seven in the evening from *March* 25, to *Sept.* 29; except the removal be by a *known common* stage-coach, waggon, or other carriage, which usually travels out of these hours. Penalty forfeiture of the tea and package, and all cattle and carriages used in its conveyance. 21 Geo. 3, c. 55, s. 26.

If dealer, having received tea into his stock, shall see cause within 24 hours after to return it he must give 12 hours' notice to the officer expressing the cause of return; upon which the officer shall attend, and after taking an account the tea be repacked in

his presence, and in half an hour after his arrival grant a permit for returning the same; returning tea without such permit or being guilty of any fraud relating thereto, penalty 100*l.* s. 24.

Dealer having taken out a permit to remove tea from his own stock to that of another dealer, officer may take a sample from the tea to be removed not exceeding two ounces nor less than one, to be sealed by dealer in officer's presence, and paying for the same the current price; refusing officer a sample or delivering one not from the tea to be sent away, penalty 20*l.* s. 25.

No tea to be removed from any part of the kingdom situated beyond the limits of the bills of mortality or head office of excise, London, to any place *within these limits*, on pain of forfeiting the tea and packages, together with the carriages and horses conveying it. But not to prevent any dealer returning tea received by permit and objected to, subject to the restrictions mentioned in the preceding paragraph. 22 Geo. 3, c. 68, ss. 21, 24.

If any person offer tea for sale without a permit, or if any hawker or pedler offer tea for sale with a permit, the offender may be seized and the tea forfeited. 9 Geo. 2, c. 35, s. 30.

Excise Books.—All sellers and dealers in tea, coffee, cocoa-nuts, and chocolate, and all makers of chocolate, and coffee or chocolate house keepers to keep a *daily* account of the quantities they consume or retail under 6 lbs.; and in another book enter each parcel they sell exceeding 6 lbs.; such books to

be provided by the commissioners and by them delivered on demand to the sellers and dealers, and when filled up be returned to the officer verified by a declaration in writing; books to lie open for inspection of officer; and the seller or dealer, on neglect or false entry made, to forfeit 100*l*. 53 Geo. 3, c. 88, s. 1.

Officer may any time require dealer or seller to make the entries in the books, and forthwith return them to him, verified by declaration, on pain of 100*l*. s. 2.

Sellers and dealers in tea to distinguish in their entries the respective quantities of the several sorts of black and green tea by them consumed or retailed or sold on each day, on pain of 100*l*. 12 Geo. 3, c. 46, s. 4.

Dealers in coffee, tea, cocoa, and chocolate concealing them in order to defraud the revenue, the same to be forfeited and treble the value. 10 Geo. 1, c. 10, s. 39. Obstructing officers or rescuing any seizures made by them, penalty 100*l*. 35 Geo. 3, c. 118, s. 22.

No dealer in cocoa-nuts to dispose of less than 28 lbs. at a time, and then enter in writing the name and abode of the buyer, and on demand produce the account to the officer; penalty 20*l*. for each pound of cocoa-nuts otherwise disposed of, and 20*l*. for default of entry. 12 Geo. 1, c. 28, s. 29.

Roasting Coffee.—The 10 Geo. 1, c. 10, established houses for the roasting of coffee, with officers to attend, on pain of 10*l*.; but by 49 Geo. 3, c. 80,

dealers may roast their own coffee on making entry at the next excise office of one or more rooms for the purpose adjoining to the places entered and by them used for the keeping of raw coffee. Roasting in an unentered place subjects to a penalty of 50*l.*, but no dealer who receives into his possession any unroasted coffee *less* in quantity than 56lbs. (except coffee returned to him by a customer) is allowed to roast coffee, on pain of 50*l.*

Any person being a licensed dealer in cocoa, and not a roaster of *corn*, may, on making an entry of his premises at the excise, manufacture cocoa-paste, broma, and other mixtures of cocoa with sugar and arrow-root flour, or other farinaceous powder, such arrow-root or powder not being baked, roasted, or altered from its natural state except by mixture with cocoa. Manufacturing cocoa mixtures without entry, or using other ingredients than these mentioned, subjects to penalty of 100*l.* 3 Geo. 4, c. 53, s. 7. The clause in this act requiring packages of cocoa mixtures to have an *excise stamp*, is repealed by 6 Geo. 4, c. 118.

By 9 Geo. 4, c. 44, s. 4, all acts in force in England relative to the excise on tea, coffee, cocoa, pepper, foreign and colonial spirits and wines are established, and may be put in force throughout the United Kingdom, in the same manner as in England. By section 4 it is enacted that no permit shall be requisite for the removal of *coffee* and *cocoa*.

For the penalties incurred by the *adulteration* of tea and coffee, see Chap. I., and for those incurred

by the breach of the laws relative to licenses, permits, and the customs, see Chaps. XXIV. and XXVIII.

CHAP. LXXIV.

TOBACCO AND SNUFF.

Every manufacturer of tobacco or snuff, is required to take out an annual license, on pain of 200*l.*, and every seller or dealer, on pain of 50*l.* 6 Geo. , c. 81, s. 26.*

Every person who manufactures tobacco, tobacco-stalks, or returns of tobacco, or manufactures

* The annual license duty payable by the *seller* or *dealer* is 5*s.*; the license duty payable by the *tobacco* or *snuff manufacturer* is, if the tobacco and snuff-work weighed for manufacture within the year ending the 5th of July, previous to taking out the license, shall not have exceeded 20,000 lbs.

Not exceeding		20,000 lbs.	£ 5	0	0
If above 20,000 and not above		40,000	10	0	0
—— 40,000	——	60,000	15	0	0
—— 60,000	——	80,000	20	0	0
—— 80,000	——	100,000	25	0	0
—— 100,000			30	0	0

Every person who *first* becomes a manufacturer of tobacco or snuff, for every such license 5*l.*, and within 10 days after the 5th of July next, after taking out such license, such further additional sum as with the said 5*l.* shall amount to the duty before directed to be paid, according to the quantity of tobacco and snuff-work weighed for manufacture within the preceding year.

or flattens tobacco-stalks, or cuts them into *Spanish* is deemed a *manufacturer of tobacco.* Every person who grinds or manufactures tobacco-stalk flour, snuff-work, or snuff, is deemed a *manufacturer of snuff.* Every person who sells any tobacco, tobacco-stalks, or returns of tobacco, or stalks flattened or cut into *Spanish,* is deemed a *dealer in tobacco.* Every person who sells any tobacco-stalk flour, snuff-work, or snuff, is deemed a *dealer in snuff.* 29 Geo. 3, c. 68, s. 155.

A manufacturer of segars is deemed a manufacturer of tobacco. 1 & 2 Geo. 4, c. 109, s. 9.

Persons licensed as manufacturers, who do not at any time sell tobacco in a less quantity than 4lbs., nor snuff in less than 2lbs., need not be licensed dealers. 29 Geo. 3, c. 68, s. 73.

Entry of Premises.—Every manufacturer and dealer must enter at the excise the premises he intends to use in his business, three days before he commences, on pain of forfeiting 200*l.*, and also the tobacco, snuff, &c., there found, with the casks and packages. Where entry has been made of any place, no other entry can be made by any other person (except partners) of any place under the *same roof*, or within the same house or tenement, on pain of 200*l.* And the person making the entry within the limits of the head office, must occupy a tenement of 10*l.* a year, and pay to the parish rates: elsewhere he must pay to the church and poor. ss. 59, 60, 61.

A manufacturer who is also a retailer of tobacco

and snuff must, in his entry of premises, specially distinguish the places he intends to use for keeping and retailing his stock of manufactured tobacco and snuff; such places for retail only to be under the survey of the officers, and subject to all the rules and penalties to which *retailers* only and the entered premises of retailers are liable; and the stock of such retailers must be received under a legal permit. And if any raw or unmanufactured tobacco, not being in legal transit and enclosed in the original packages, accompanied by a permit, be found on the premises entered for retail only, or if any manufactured tobacco or snuff be found removing, or being received without a certificate or permit, or without such certificate or permit being delivered to the officer; or if any manufacturer retail or send out tobacco or snuff into his retail stock without first making entry of his premises, all such tobacco and snuff shall be forfeited, and manufacturer fined 100*l*. 1 & 2 Geo. 4, c. 109.

Manufacturer, three days before he begins to manufacture, must make entry in writing at the excise office of all mills, presses, engines, rollers, stoves, mullers, or spinning-wheels intended to be used by him, on penalty of 50*l*. for every unentered utensil. 29 Geo. 3, c. 68, s. 69.

Manufacturer or dealer in tobacco or snuff, must write or paint in legible characters over the outer door of his premises, his business as *dealer* or *manufacturer of tobacco and snuff*, as the case may be, on pain of 50*l*. Persons using such de-

scription who have not made an entry, to forfeit 100*l.* ss. 62, 63. See further page 164.

Manufactories of tobacco, &c., prohibited within five miles of the sea-coast, except in ports and places where tobacco may be imported (see p. 118), or places within three miles thereof, and except in cities or the suburbs, and in market-towns. 30 Geo. 3, c. 40, s. 8.

Notice of Working.—Manufacturer must give notice in writing to the officer, if in London six, in cities and market-towns twelve, and elsewhere 24 hours' before he begins to strip, spin, or press, any tobacco for cutting, or make any tobacco into carrots, or flatten tobacco-stalks for *Spanish;* specifying in notice the weight of each article, and the time he intends to begin; upon which the officer shall attend, and manufacturer must begin within *one hour* of the time fixed and proceed without delay, and afterward deliver to the officer in writing, a declaration of the quantity intended to be used of each sort of tobacco. Penalty 20*l.* s. 30.

But manufacturer is at liberty to strip from the stalks any leaf which has not been wetted, without previous notice to the excise; provided in the notice of commencing to manufacture he specify whether the tobacco-leaf is leaf stripped, and how much is unstripped, and the stalks not to be deemed part of the tobacco-leaf to be weighed for the *operation.**

* *Operation* in this act is defined to mean the quantity of tobacco or materials weighed by the officer, and declared by

Manufacturer to have credit in his unmanufactured stock for the stalks. 1 & 2 Geo. 4, c. 109, s. 3.

Weight of each sort of tobacco manufactured to be declared, and to be kept separate 24 hours, or until an account be taken, under penalty of 50*l.* 29 Geo. 3, c. 68, s. 81.

Manufactured tobacco to be kept apart from the unmanufactured, on pain of 50*l.* s. 102.

Only three operations of *cut tobacco* to be depending at one time, and every such operation, where the weight of tobacco does not exceed 500 lbs., must be finished and declared within seven days of the date of the declaration; and when the weight of the tobacco exceeds 500 lbs., the operation to be finished in ten days. Penalty for having more operations than three, or not finishing and declaring within the times limited, 100*l.* 1 & 2 Geo. 4, c. 109, s. 6.

Tobacco-stalks of each operation to be kept separate and labelled till an account has been taken by officer; 24 hours', or in a market-town six hours' notice to be given to the officer to take account prior to the tobacco, &c., being weighed and removed into stock. Penalty for not removing stalks when stripped from the leaf, and keeping them separate, or for mixing any thing therewith, or concealing them, or for neglecting to give notice, or deceiving, or molesting the officer in weighing, or

the manufacturer at one time for process of manufacture. *id.* s. 4.

for any fraudulent increase of weight beyond five per cent., forfeiture of the tobacco, &c., and 50*l.* Credit in stock allowed for cut tobacco after a certain rate. s. 7.

Manufacturer to have only three operations of *roll or carrot*, and only two operations of *lug tobacco* depending at one time. Before expiration of 42 days from date of declaration, 24 hours', or if in market-towns six hours' notice, to be given to officer to take account. If tobacco be found to weigh more than after the rate of 115 lbs. for every 100 lbs. declared for operation, the excess to be forfeited, and manufacturer fined 50*l.* Penalty for having more operations than allowed, or for not removing, labelling, and keeping separate the stripped stalks, or for neglecting to give notice, or deceiving or molesting officer in weighing, 100*l.* s. 8.

No manufacturer of *segars* to have more than three operations at once, nor any operation of less weight than thirty pounds, and place of manufacture to be distinguished in the entry, and kept separate. Every operation to be finished within 28 days, and 24 hours' notice to be given to officer to take account prior to removal into stock. Penalty for not making special entry of place for manufacturing segars, or for not removing stripped stalks, labelling, and keeping them separate, or for neglecting to give notice, or not assisting, or deceiving or molesting officer in weighing, or for not finishing operation within 28 days, or for any increase of

weight beyond five per cent., 100*l.* and forfeiture of segars, stalks, and returns.

Manufacturer to keep separate his stock of tobacco, tobacco stalks, tobacco-stalk flour, returns, and snuff; also the several operations, distinguishing them by labels or written descriptions. Penalty for neglect, or refusing to show stock to officer 100*l.* and forfeiture of tobacco, &c. concealed, or untruly marked. 1 & 2 Geo. 4, c. 109, s. 10.

Notice void, if manufacturer does not proceed within one hour after time specified for attendance of officer. But if officer does not attend within one hour of the time fixed, manufacturer may proceed without him. No notice to be given to attend on *Sunday*, nor any hour, except between six in the morning and eight in the evening. s. 11.

Exportation on Drawback.—No manufacturer to make, or have in his custody for exportation on drawback, any cut, roll, or carrot tobacco, unless made wholly from tobacco leaf, having the stalks stripped, and returns so stripped. Penalty 200*l.* and forfeiture of tobacco. s. 12.

Increase of Stock.—Supervisor, or other officer of equal or superior rank, may, at any time, with the approbation and in presence of the collector, or general surveyor, if in a town, weigh all the manufactured and unmanufactured stock of tobacco and snuff in possession of manufacturer; and if any increase of stock be found beyond the credit allowed, such increase to be forfeited, and manufacturer

fined 100*l*. If in weighing tobacco and snuff declared for in process of manufacture, greater weight be found than can be accounted for by manufacturer, he shall forfeit 100*l*. Officer may take away samples not exceeding four pounds weight, on paying for them the current price. Obstructing or molesting officer in taking account, penalty 200*l*. 1 & 2 Geo. 4, c. 109, s. 13.

II. MANUFACTURER OF SNUFF.

Manufacturer of snuff to provide proper casks for preparing, laying down, or putting into bins, snuff-work and tobacco-stalks for flour, and place them so that officer may conveniently examine and weigh them, marking every cask with a progressive number, the tare and weight; laying down snuff in any cask not so marked, or putting it into any bin, penalty 50*l*. 29 Geo. 3, c. 68, s. 86.

Manufacturer to give notice in writing to officer, if in London, six, market-towns, twelve, elsewhere, 24 hours, before he begins to work, specifying in notice the weights of his tobacco, stalks, or flour, the number of each cask and bin in which the same is intended to be laid down;. the work to begin within one hour after time mentioned, and be continued till finished, and then the weight of each sort of snuff to be delivered to the officer; when put into casks, the like notice to be given to officer, and casks to be ticketed and subscribed with names of manufacturer and officer; when taken out of casks to be ground, like notice to be given, and manufac-

turer mixing snuff-work, stalks, or flour of one making with another, to forfeit 50*l.* ss. 77, 87, 95.

Manufacturer to deliver an account of each sort of snuff when finished, and keep the same separate for 24 hours, unless sooner surveyed, on penalty of 50*l.* 29 Geo. 3, c. 68, s. 89.

Manufacturer may provide store-room for keeping dried Scotch snuff, the same to have only one door, and when snuff is deposited to be secured and locked by officer. Snuff of one making to be kept separate from snuff of another making, on pain of 50*l.*, and opening the door in officer's absence, penalty 200*l.* ss. 91, 92.

III. RETAILERS OF TOBACCO AND SNUFF.

Every retailer of tobacco or snuff shall receive on demand from the excise a *book*, with forms and titles, to be kept in some open part of his entered premises; and no retailer to send out tobacco or snuff of any weight not less than *one pound*, or not exceeding *ten pounds*, unaccompanied with a certificate, filled up and cut out from the printed forms of certificates contained in the book, signed by the retailer or his servant, certifying the date, the quantity, quality, sort, to whom sold or sent, and from whose stock delivered; such certificate to be firmly pasted on the wrapper of the parcel, and a correspondent entry to be made in the book; book to be constantly open to inspection of officer, any time between seven in the morning and eight in the evening. Penalty 50*l.* and forfeiture of tobacco and

snuff, for sending it out without a certificate, neglecting to make entry in the book, refusing to deliver book, when requested, to officer, or obstructing him in the inspection of it. Person employed or assisting in removal, without certificate, to forfeit 50*l.* Tobacco or snuff sent out, exceeding 10 lb., to be accompanied with a permit. 1 & 2 Geo. 4, c. 109, s. 2.

Removal of Tobacco or Snuff.—No manufacturer to remove tobacco or snuff from his entered premises, till it has been taken account of by officer, nor conceal the same from view of officer, on pain of 50*l.* 29 Geo. 3, c. 68, s. 109.

No tobacco (except returns) of *four pounds* and upwards, nor snuff of *two pounds* and upwards; nor any tobacco-stalks, *Spanish*, returns of tobacco, tobacco-stalks for flour, snuff-work, or tobacco-stalk flour, exceeding 200 lbs., to be removed by land or water without a permit, on pain of forfeiture, with the casks, packages, and also the horses, boats, or carriages conveying the same, which may be seized by officer of customs or excise. s. 110.

No manufacturer, unless also a licensed dealer, shall have a permit for, or sell, or send out any manufactured tobacco, *Spanish*, or returns of tobacco, in a less quantity than 4 lbs., nor snuff than 2 lbs., on pain of 20*l.* s. 117.

No tobacco or snuff to be brought into any place used by a manufacturer or dealer without a permit, and notice first given to the officer, on pain of forfeiting the same, with cask or package, and the

offender be fined treble the value, estimated according to the highest price. 29 Geo. 3, c. 68, s. 118.

No tobacco, &c., or snuff to be removed from any place without the limits of the bills of mortality, or excise office, London, to any place *within* these limits; nor from any place without the limits of the ports (see p. 118) to within two miles of these limits, on pain of forfeiture, with packages, horses, and carriages conveying it. s. 119.

Tobacco or snuff received into stock with a permit may be returned within 48 hours to the person from whom received with a permit. But returned without permit, or if not the identical article received, the same becomes forfeited, and the offender fined 50*l.* s. 122.

If any tobacco of 4lbs. or upwards, or snuff of 2lbs. or upwards be found removing, unless between seven in the morning and five in the evening from 29th *Sept.* to 25th *March*, and between five in the morning and seven in the evening the remainder of the year (except by a common carrier), the same becomes forfeited, with carriages, horses, &c. s. 123.

Unlawful Selling.—If any person offer for sale *tea, tobacco, snuff, brandy, rum, or other foreign spirits,* not being licensed to deal therein, and not having a permit for the same; or if any hawker or pedler with a permit offer such goods for sale, the offender may be seized, and the taker be entitled, under certain conditions, to reward of 5*l.* 48 Geo. 3, c. 84, s. 7.

Unentered Places.—If any person be found as-

sisting to manufacture tobacco or snuff in an unentered place, the offender to forfeit 30*l.*, for a second offence 60*l.*, or be imprisoned. 29 Geo. 3, c. 68, s. 94.

Officer may enter premises and take stock any time between five in the morning and eleven in the evening; or between eleven in the evening and five in the morning, accompanied with a constable. s. 98. Manufacturer and dealer to keep sufficient scales and weights, on penalty of 100*l.*; using any device in weighing to defraud revenue, penalty 200*l.* s. 99. Refusing to assist officer in taking stock, penalty 50*l.* s. 100. Officer may take samples of tobacco or snuff paying for them the usual price, if demanded; refusing him samples, penalty 100*l.*

Manufacturer and dealer to enter daily in a *book* provided by the excise an account of all tobacco exceeding 4 lbs., and all snuff exceeding 2 lbs., sent out or consumed by him on the preceding day; and in another book a like account of tobacco *under* 4 lbs., or snuff under 2 lbs.; such books to be returned to the officer, if in *London*, or any city or market-town, every six weeks, elsewhere every six months, with declaration of truth of the account. Books to be always open to inspection of officer, and to be made up at his request, on penalty of 100*l.* ss. 104, 105.

Manufacturer and dealer may any time be required by officer to make entry in the books, and immediately after deliver them to officer, on penalty of 100*l.* 53 Geo. 3, c. 88, s. 2.

Adulterations.—No manufacturer, dealer, or retailer, to mix with any tobacco manufactured or

unmanufactured, tobacco stalks, tobacco-stalk flour, returns of tobacco, snuff-work, or snuff, any material not being tobacco or snuff, and other than water only, or water tinged with colour or flavoured only, on pain of forfeiture; and if any manufactured tobacco or tobacco-stalk flour be found upon analysis to contain a greater weight of any material, not being tobacco or water, than *two per cent.* of the weight; or if any snuff be found to contain a greater weight of any material, not being snuff or water, than *four per cent.* of the weight, the tobacco, &c., or snuff to be forfeited, and the manufacturer, dealer, or retailer, fined 100*l.* 1 & 2 Geo. 4, c. 109, s. 14.

For other penalties, see Chapter on *Adulterations*, page 7.

For the restrictions under which tobacco and snuff may be imported, see *Customs*, page 118.

CHAP. LXXV.

TURNPIKE ROADS.

The general Turnpike Act is the 3 Geo. 4, c. 126, which repeals preceding statutes, and which has been altered and amended in some of its provisions by 4 Geo. 4, c. 95; 7 & 8 Geo. 4, c. 24; 9 Geo. 4, c. 77; 1 & 2 Wm. 4, c. 25; and 3 & 4 Wm. 4, c. 80. By these acts the duties of commissioners, trustees, surveyors, treasurers, clerks, and toll-collectors; the

structure of wheels, exemptions from toll, the loading of carriages, the repression of nuisances, the conduct of drivers and travellers, the repair of roads, and other matters incidental to the regulation and maintenance of the public highways are determined.

The acts are general in their provisions and extend to local acts and all acts now in force, or which may be passed hereafter, for making, widening, turning, repairing, or maintaining any turnpike road in England.

Structure of Wheels.—The several nails of the tires to be so countersunk as not to project beyond one quarter of an inch above the surface of the tires; penalty on using any waggon, cart, or such carriage, with wheels otherwise made, not exceeding 40*s.* on the owner, and 20*s.* on the driver. 4 Geo. 4, c. 95, s. 2.

Names on Waggons.—Owner of every waggon, cart, and suchlike carriage, must paint his Christian and surname and abode on the right or offside at full length, in large legible letters, not less than one inch in height, and continue the same so long as the carriage shall be used. Penalty for omission or using any fictitious name or abode, not exceeding 5*l*. s. 15.

If any carriage usually used on a ***rail or tram road*** pass loaded 100 yards on a turnpike road the owner to forfeit 40*s.* and driver 20*s.* s. 16.

II. WEIGHTS OF CARRIAGES.

The following is the scale of weights, including carriage and loading, allowed in winter and summer by 4 Geo. 4, c. 95, s. 89.

	SUMMER.		WINTER.	
	Tons.	Cwts.	Tons.	Cwts.
For every waggon with 9-inch wheels	6	10	6	0
For every cart with 9-inch . . .	3	10	3	0
For every waggon with 6 inch wheels	4	15	4	5
For every cart with 6-inch wheels	3	0	2	15
For every waggon with wheels of the breadth of 4½ inches . . .	4	5	3	15
For every cart with wheels of the breadth of 4½ inches	2	12	2	7
For every waggon with wheels of a less breadth than 4½ inches .	3	15	3	5
For every cart with wheels of a less breadth than 4½ inches . . .	1	15	1	10

Summer is reckoned from May 1, to Oct. 31; *winter* from Nov. 1, to April 30. Caravans or other fourwheeled carriages used for conveyance of goods, and built with springs, 3 tons 15 cwt. is allowed in winter, and 4 tons 5 cwt. in summer. Two-wheeled drays of not less than 4½ inches, and drawn by not more than three horses within the bills of mortality, allowed at all times of the year 2 tons 16 cwt. Additional tolls to be charged in proportion to the overweight in all waggons, carts, and drays, except those loaded with manure or agricultural produce. Trustees not to make composition for overweight, under penalty of 50*l*. 3 Geo. 4, c. 126, ss. 12—19.

Penalty for unloading so as to evade additional charge for overweight, or obstructing the weighing, *5l.* on the owner, and not exceeding 40*s*. on the driver. s. 20.

Toll-keeper to weigh all carriages coming within 100 yards of the weighing-machine suspected to be overloaded, under penalty of *5l.*; and owner or driver obstructing weighing any penalty not exceeding *5l.* ss. 21, 22.

If trustee or surveyor of road suspect toll-keeper of connivance at overweight, he may direct any waggon, &c., not distant above 300 yards from the tollgate to turn back to be weighed; driver refusing to return, on tendering him one shilling for so doing, to forfeit not exceeding *5l.* 3 Geo. 4, c. 126, ss. 23, 24.

III. EXEMPTIONS FROM TOLL.

Manure exempt from toll, though from an adjoining parish. Tolls payable on going for road materials, to be repaid when returning, on producing the exemption ticket. Penalty for not returning such tolls, not exceeding *5l.*

Other Exemptions.—Horses or carriages attending, or going to attend, the king, or any of the royal family, or returning from such attendance. Horses and cattle conveying manure (except lime), agricultural produce not sold, or for sale; and also horses and implements employed in husbandry. Persons going or returning from church, or other place of religious worship tolerated by law, on *Sunday*, or any other day on which divine service is by autho-

rity ordered to be celebrated. (But this exemption does not extend to any toll at any gate within five miles of the Royal Exchange in London, or within five miles of Westminster-hall, in the city of Westminster.) Persons going or returning from the funeral of any person who shall die and be buried within the parish. Rectors, vicars, or curates attending their religious duty, or going or returning from visiting a sick parishioner, or other parochial duty; officers conveying vagrants or prisoners; officers of the army, or soldiers on duty; horses and carriages used by the corps of yeomanry, while on duty and in uniform; persons going or returning from the election of any knight of the shire, or any horses or carriages which shall only cross the road, not passing 100 yards thereon. 3 Geo. 4, c. 126, s. 32, 33.

Also under 1 & 2 Wm. 4, c. 25, no toll can be demanded for any *horse, ass, sheep, swine, or other beast or cattle* going or returning from water or pasture, or from being shod or farried, provided they do not pass on the road more than two miles, going or returning. Nor for any horse or other beast of draught, or for any waggon, cart, or other carriage employed in statute labour. This act does not extend to any toll-bar within six miles of London-bridge.

Post-horses having passed through any gate may return toll-free before nine in the morning of the following day. 3 Geo. 4, c. 126, s. 29.

Persons claiming an exemption from toll or over-

weight, by any fraudulent or collusive means whatever, who are not entitled thereto, are liable to a penalty not exceeding *5l.* s. 36.

Evasion of Tolls.—If any person leave the turnpike road and pass over adjoining ground with intent to evade the payment of toll; or if the owner or occupier of such ground knowingly connive at such evasion; or if any person forge or alter any toll-ticket, or fraudulently or forcibly pass through any tollgate, or leave on the road any horse, beast, cattle, or carriage; or if any person do any act whatever with intent to evade the payment of toll, he shall forfeit for every offence not exceeding *5l.* s. 41.

IV. COMMISSIONERS, TRUSTEES, &c.

Within 21 days after application in writing from the trustees, mortgagees required to give an account of the amount received from tolls and rates, and the sums they have expended in repairs, under penalty of *50l.* 3 Geo. 4, c. 126.

Mortgagees keeping possession of rents and tolls after payment of their mortgage money, to forfeit double the sums they may receive, with treble costs. s. 48.

Trustee or commissioner of any turnpike road must take and subscribe an oath that he is possessed of an income of *100l.* from real property, or heir apparent to a person possessed of an income of *200l.*, or that he is possessed of a personal estate of *10,000l.*, clear of all debts and incumbrances. Acting as trustee without such qualification, or while keeping a victualling-house, or a seller of wine or

beer by retail, or a lessee or farmer of tolls, subjects to a penalty of 50*l.* s. 64.

Trustees not to hold any place of profit under the trust, nor to be directly or indirectly concerned in any bargain or contract for the making or repairing any road for which he shall act, or in building or repairing any toll-house or weighing-machine, nor in letting for hire any horse or carriage for the use of the road, on pain of forfeiting for every offence 100*l.* s. 65. But no trustee is liable to this or any other penalty by reason of his being only a proprietor or shareholder in any canal, or railway company, which shall contract with the trustees for the conveyance of materials for such repair of the road. 4 Geo. 4, c. 95, s. 37.

Clerk, Treasurer, and Surveyor.—Acting as trustee, without first taking oath for the due discharge of the duties of the trust, subjects to a penalty of 50*l.* s. 32.

Offices of treasurer and clerk to be kept separate under a penalty of 50*l.* on any person acting in both capacities. 3 Geo. 4, c. 126, s. 71.

Offices of clerk and surveyor to be kept separate under penalty of 50*l.* on any person accepting both situations. 4 Geo. 4, c. 95, s. 44.

Surveyor of the road, having any interest in any contract for work, materials, tools, or other things used or employed in making or repairing any road or bridge, he shall forfeit 50*l.* s. 45.

V. ANNUAL MEETING, ACCOUNTS, &c.

Accounts of the treasurer, clerk, and surveyor.

to be audited at the general annual meeting, and clerk to make out a statement of the debt, revenue, and expenditure of the trust, which, after approval by a majority of the meeting, and being signed by the chairman, to be transmitted within 30 days to the clerk of the peace, to be registered in the records of the quarter-sessions of the county. Clerk omitting to make out such statement, or transmit it within the time mentioned, to forfeit 50*l.* 3 Geo. 4, c. 126, ss. 78, 79.

After the expiration of the present year, the trustees and commissioners are required to hold their general annual meeting on or before the 25th of March in every future year: and the clerk and surveyor to submit the annual statement of the debt, revenues, and expenditure of the trust, to be submitted by the clerk and surveyor for the year 1834, must be made out from the date of the last annual statement in 1833 to *Dec.* 31, 1833, and in future years, from *Jan.* 1 to *Dec.* 31 of the year preceding the year in which the general annual meeting is held. 3 & 4 Wm. 4, c. 80, ss. 2, 3.

Copies of the annual statement submitted to the trustees, and transmitted to the clerk of the peace, must, in future, be sent by the clerk of the trust, within 30 days, to one of the secretaries of state, under a penalty of not exceeding 10*l.* nor less than 5*l.* for omission. s. 1.

Clerk to prepare estimates for the annual meeting of the probable expenditure of the trust in the cur-

rent year, from *Jan.* 1 to *Dec.* 1; penalty not exceeding 10*l.* nor less than 5*l.* for neglect. s. 4.

Secretary of state to cause abstracts of the annual statements to be laid before parliament, and for that purpose may summon any clerk, surveyor, or treasurer, to inquire into the state of any road, and the mode of maintaining it; refusing to attend such summons, or to answer any question, or produce any accounts, maps, or plans necessary to facilitate the inquiry, subjects to a penalty not exceeding 20*l.* nor less than 5*l.* s. 6.

Toll-collectors.—Toll-collector to place on the front of his house his Christian and surname, painted in black on a white ground, each letter to be at least two inches in length, and proportionate breadth; penalty for omission, or not keeping his name there, or taking more or less than the lawful toll, or claiming toll from those exempt from payment, and who shall claim such exemption; or refusing to any person to read inscription on his board, or to tell his name to any person who demands the same and has paid the toll, or giving a false name; or refusing or omitting to give a ticket denoting payment of toll and the gates (if any) cleared by such payment; or obstructing or using abusive language to any passenger who has paid toll: in each of these cases penalty not exceeding 5*l.* 4 Geo. 4, c. 95, s. 30.

If toll-collector abscond, penalty to be levied on lessee of tolls. 3 Geo. 4, c. 126, s. 54.

Toll-houses.—Trustees may direct lamps to be lighted on the front of toll-houses, and the hours

and seasons of the year during which they shall be lighted; collector and lessees of tolls neglecting the orders of trustees in this respect to forfeit not exceeding 20*s*. Persons damaging such lamps, or extinguishing the light, to forfeit not exceeding 40*s*. 7 & 8 Geo. 4, c. 24, s. 6.

Materials for Roads.—Surveyor may get materials for repair of road from any common river or brook (not being within 50 yards of any bridge, weir, dam, or jetty), or from waste lands, or from the lands of any person not being garden, pleasure or nursery ground, on tendering satisfaction for damages. If pits or holes are made in getting materials, or banks of rivers damaged, they must be filled up or fenced or sloped off, so as not to be left dangerous to persons or cattle. Penalty for not filling up or fencing off 20*s*., or delaying six days after notice from a justice, owner, or occupier, not exceeding 10*l*. nor less then 40*s*. 3 Geo. 4, c. 126, ss. 97—99.

Taking away materials provided by the surveyor, or using any quarry opened by him, within less than six weeks after he has discontinued digging in the same, subjects to a penalty not exceeding 5*l*. s. 101.

Statute Labour.—Two justices to adjudge proportion of statute work to be done on the turnpike, on application made to them by three or more of the trustees; and within 10 days after, the surveyor of the parish must deliver to the surveyor of the turnpike trust, a list of the names of the persons liable to statute duty. Penalty on parish surveyor omitting to deliver list, not exceeding 10*l*. s. 104.

Ditches and Hedges.—Ditches, drains, and water-courses, of sufficient breadth and depth for keeping the road dry to be made, cleansed, and kept open, and sufficient trunks, tunnels, and bridges, where any carriage-way or footpath leads out of the road into the adjoining grounds, by the occupier thereof; penalty on default, not exceeding *5l.* ss. 113, 114.

Surveyor may remove dung, rubbish, or other annoyance, if the owner neglect after 12 hours' notice in writing; and may open ditches and water-courses, the adjoining occupier neglecting, and in both cases the surveyor to be reimbused the expense by the owner or occupier: and a penalty not exceeding *5l.* inflicted on repetition of the annoyance. 3 Geo. 4, c. 126, s. 114.

Owners of adjoining lands to cut and *trim the hedges* to the height of six feet, and cut the branches of trees obstructive or injurious to the road. If neglected for 10 days after notice, surveyor may complain to a justice, who may order the same to be done, on pain of forfeiting *2s.* for every 24 feet in length of the hedge, and *2d.* for every tree, shrub, or bush uncut. Hedges and trees may be cut by surveyor, on default of occupier, who may be charged with the expense over and above the penalties. Only compelled to cut hedges between last day of *September* and last day of *March.* ss. 117, 118.

Encroachments.—If any person encroach on the limits of the road, or fill up or obstruct any ditch on the side thereof; or break up or injure the surface, or erect any dwelling or fence on any waste

land on the side of the road, within the distance of 30 feet from the centre, if within three miles of a market-town, or if beyond that distance, 25 feet from the centre; or plough any land within the said distance, he shall forfeit not exceeding 40*s.*, to any person who shall inform; and the encroachment or injury may be repaired by the surveyor, at the cost of the offender. s. 118.

Milestones and Handposts.—Trustees to cause milestones to be erected, and direction-posts at the crossings and turnings of roads; *names* of towns and villages to be put up at the entrance of towns and villages, and stones marking the boundaries of parishes; the same to be kept in repair and inscriptions renewed when illegible. Penalty for breaking or defacing the same, not exceeding 10*l.* s. 119.

Watering the Roads.—On particular roads the trustees are empowered to direct them to be watered, and to impose an additional toll to defray the expense thereof; at any general meeting for the purpose, the trustees may order such roads to be watered, and additional toll paid for any time from *March* 1 to *November* 1 following; and such additional toll may be collected, under the same penalties as any other toll payable on such roads. 3 Geo. 4, c. 126, s. 120.

VI. NUISANCES AND ANNOYANCES.

If any person ride on the footpath, or lead or drive any horse, ass, cattle, swine, carriage, or single wheel thereon, or cause any damage to the same; or draw any timber, stone, or other thing on the

road, otherwise than in wheeled carriages; or use any tipstick or joggle, to retard descent of carriage down hill, whereby road is injured; or slaughter cattle or swine on the road or by the side thereof; or obstruct passage by any pannier, bar of iron, or other thing projecting upwards of 30 inches from animal carrying the same; or if any hawker, or gipsy, erect tent or booth on or near side of the road; or if any blacksmith, after twilight, suffer the light of his shop to shine on the road; or if any person make bonfire, or let off fireworks within 80 feet of the centre of the road; or bait bulls, or play at football, tennis, or other games to the annoyance of passengers; or if any person leave any waggon or other carriage on the road or road side, without a person in the sole custody thereof, or for longer time than necessary to load or unload or take refreshment; or if any person lay any timber or other thing on the road or footpath, to the obstruction or annoyance of a passenger, or suffer running water or filth to flow thereon, or swine to damage the road or fences; or suffer any block or stone used to stop a carriage on going up hill to remain there, or damage any lamp or lamp-post: in all these cases the offender to forfeit any sum not exceeding 40*s.*, over and above the damage occasioned thereby. 3 Geo. 4, c. 126, s. 121.

If any person unauthorized by the surveyor scrape up or carry away any stones, gravel, slutch, dust, mire, soil, or other material, from any road or footpath; or ***in any manner wilfully prevent any other person from passing him*** on the road; or

dig or use any pit for sawing of timber within 30 feet of the centre of the road, unless enclosed by a fence; in any of these cases the offender to forfeit not exceeding 40*s.*, half to informer, half to treasurer of the trust. 4 Geo. 4, c. 95, s. 72.

Horses, cattle, swine, &c., found tethered or straying on or about any road may be impounded, and the owner fined 2*s.* for each, together with expenses. s. 75.

If any person, having the care of any waggon, cart, or such like carriage, conveying for hire or sale shall not *chain or fasten any dog* attending him to such waggon, &c., he shall forfeit not exceeding 20*s.* s. 76.

Gates and doors must open *inwards*, so as not to project over road or footpath; such as are contrary to the act, not being removed 14 days after notice, may be removed by the surveyor, the expense to be defrayed by the owner, and a fine not exceeding 40*s.* inflicted. 3 Geo. 4, c. 126, s. 125.

Trustees may make orders for the *skid-pan* or *slipper* to be used on the descent of hills; descending hill with wheels locked and without the slipper, subjects driver to penalty not exceeding 20*s.* Trustees' order must be affixed on the turnpikes 30 days before it comes into force. s. 126.

No *windmill* to be erected within 200 yards of the road, on penalty of 5*l.* for every day it is continued. s. 127.

VII. PENALTIES ON DRIVERS.

One driver may take charge of two carts drawn by

one horse each and connected by reins; otherwise, penalty 20*s*. Does not extend to carts within 10 miles of London. 3 Geo. 4, c. 126, s. 130.

Children under the full age of 13 years not to drive any waggon or cart, under penalty of 10*s*. on the owner. s. 131.

If the driver of any waggon or cart ride thereon, not having some person on foot to guide the same (light carts usually driven with reins, not having more than two horses, excepted); or by negligence or wilful misbehaviour cause any hurt or damage to any person; or quit the road, or leave his carriage at such distance as he cannot have the control of the horses; or drive carriage without the owner's name, or refuse to discover the same; or meeting any other carriage shall not keep the left or near side of the road; or obstruct the passage of any person: in all these cases driver to forfeit not exceeding 40*s*., or if the owner, not exceeding 5*l*.: in default of payment be committed to prison for not exceeding one month. s. 132.

In case the driver, guilty of any offence, abscond or neglect to appear, the owner of the carriage may be summoned and be adjudged to pay the penalty incurred. 4 Geo. 4, c. 95, s. 73.

Constables and Witnesses.—Constables or any person employed by the trust with a salary neglecting to lay an information within one week after an offence to their knowledge has been committed, to forfeit for such neglect 5*l*. 3 Geo. 4, c. 126, s. 136.

Witnesses neglecting to attend when summoned, to forfeit not exceeding 40*s*. s. 138.

Persons resisting the execution of the act, or assaulting surveyor or toll-collector; or passing without payment of toll, to forfeit not exceeding 10*l*. s. 139.

N.B. By 7 Geo. 4, c. 142, particular roads in the vicinity of the metropolis North of the Thames, are placed under the management of commissioners, subject to the provisions of the general turnpike acts.

CHAP. LXXVI.

USURY.

No person shall sell his merchandises to another and within three months after buy the same, or any part thereof, knowing them to be the same; such offence punishable by forfeiture of the goods sold, and imprisonment, with a fine, half to the king, half to the prosecutor. 37 Hen. 8, c. 9, ss. 2, 5.

No person upon any contract shall take, directly or indirectly, for loan of any monies, wares, merchandises, or other commodities, above the value of 5*l.* for the forbearance of 100*l*. for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time; all bonds, contracts, and assurances for payment of any principal, or money to be lent, or covenants to be performed on usury, which shall be reserved or taken above 5*l*. in the 100*l*., shall be void; and every person who shall receive by means of any corrupt bargain, loan, exchange, shift, or interest, of any wares or other

thing, or by any deceitful conveyance, for the forbearing of payment for one whole year, for their money above *5l.* and after that rate for a greater or lesser sum, or longer or shorter time, shall forfeit ***treble value*** of the monies or other things lent. 12 Anne, st. 2, c. 16, s. 1.

Every broker, scrivener, solicitor, or driver of bargains for contracts, who shall receive, directly or indirectly any money, reward, or thing for brokerage, or procuring the loan or forbearing of any money above the rate of *5l.* for the loan of 100*l.* for a year, or above 12*d.* above the stamp duties, for making or renewing of the bond or bill for loan, or any counterbond or bill concerning the same, shall forfeit 20*l.* ***with costs***, and suffer imprisonment half a year. s. 2.

But no bill of exchange or promissory note, though it may have been given for a usurious consideration, or on a usurious contract, is void in the hands of an endorsee for valuable consideration, unless he had, at the time of discounting or paying such consideration for the same, actual notice that such bill or note had originally been given for a usurious consideration or a usurious contract. 58 Geo. 3, c. 93.

CHAP. LXXVII.

VINEGAR AND VERJUICE.

A duty of 2*d.* per gallon having been imposed on vinegar, the manufacturer thereof has been placed

under the survey of the excise. Making vinegar or acetous acid for sale, without taking out an annual license, which costs *5l.*, subjects to a penalty of *200l.* Premises used by a vinegar-maker must be entered with the proper officer of excise, and in such entry must be specified whether he is a maker of vinegar from malt or corn, or from molasses or sugar, or from any and what other materials: Using any warehouse, cellar, or other place for making or keeping vinegar, beer, or liquor preparing for vinegar, penalty *50l.* 26 Geo. 3, c. 73; 6 Geo. 4, c. 81.

No maker of vinegar shall be a distiller, rectifier, or compounder of spirits, on the same premises; nor shall any rectifier or compounder enter or use any premises from which there is a private communication to premises used by any maker of vinegar, sweets, cider or perry, refiner of sugar, brewer or retailer of beer. Penalty *200l.* 6 Geo. 4, c. 81, s. 26.

No person shall make vinegar for sale from malt or other fermenting materials, in any place entered for making, distilling, rectifying, or purifying acetous acid called pyroligneous acid, or for making or compounding white-lead, acetate of soda, or acetate of alumine, or within the distance of 300 feet in a direct line from any such place; nor shall any person make, distil, rectify, or purify pyroligneous acid, or make or compound white-lead, sugar of lead, verdigris, iron-liquor, or acetate of

soda, or acetate of alumine, in any place entered for making vinegar from malt or other fermenting materials for sale, or within the distance of 300 feet in a direct line from such place, on penalty of 500*l*. 58 Geo. 3, c. 65, s. 15.

Every officer of excise shall at all times, upon his request (but if in the night to be accompanied by a supervisor or surveyor), be permitted to enter the premises used by any vinegar-maker and take such account as he thinks fit of all liquor and materials, and of all sulphuric acid in the possession of the maker; obstructing officer, or preventing him from so doing, penalty 200*l*. s. 10.

If any maker or *retailer* of vinegar refuse admission to the officer, he shall forfeit 15*l*. 7 & 8 Wm. 3, c. 30, s. 17.

No vinegar-maker to have or receive into his custody any vinegar, acetous acid, or sugar-water, sugar-wash, molasses-water, alegar, stale beer, or other preparations for vinegar or acetous acid, or any sulphuric acid, molasses, brown sugar, or honey, or any pyrolignite, or acetate of lime or soda, or other material (except corn or grain) fit to be made into or mixed with vinegar or acetous acid, without giving twelve hours' notice to the officer, specifying the day and time when the same will be received, and the quantity and description, that the officer may be present to take an account; nor remove or mix any part with his stock, until the officer has taken an account, nor employ any such materials un-

charged with duty, without accounting for the same to the officer, on pain of forfeiting 200*l*. 58 Geo. 3, c. 65, s. 11.

No wort to be sold or sent out, nor vinegar or preparation for vinegar, unless the duty has been paid, and accompanied with a permit or certificate, on pain of forfeiture of the same and 200*l*., together with the horses, carriages, &c., by which conveyed. s. 12.

If any person remove or conceal any vinegar, or preparation for making into vinegar for the purpose of defrauding the revenue; or adulterate or mix with vinegar or acetous acid, any other acid (except sulphuric acid) in the preparation not exceeding 1000th part thereof by weight, all such vinegar and preparations for vinegar so removed, concealed, or adulterated, shall be forfeited, and above such forfeiture the offender be fined 100*l*. s. 25.

Payment of Duties.—Every vinegar-maker to make entry once a month, at the next excise office, of all the liquors made during that month; and within one month after such entry clear off the duties, on pain of forfeiting double duties. 12 Geo. 2, c. 24.

All liquors made into vinegar or acetous acid for sale, by whatever means made, and all preparations intended to be sold and used as vinegar, whether known by the name of vinegar, acetous acid, alegar, verjuice, radical vinegar, pyroligneous acid, or other name, shall be subject to duty. 58 Geo. 3, c. 65, s. 6.

CHAP. LXXVIII.

WAGES.

It has been the spirit of recent legislation to consider labour as a commodity the price of which would be best determined by free competition between the workman and his employer. As a consequence, the laws which empowered justices to fix a rate of wages, and punish workmen for combining to raise wages and determine the hours of labour, have been repealed. The statutes which still interfere between masters and servants chiefly refer to the arbitration of disputes, the enforcement of contracts of service, and the embezzling and damaging materials in process of manufacture. Many of the statutes being of a criminal character it is foreign to our purpose to notice their provisions.

Differences with respect to wages between masters and servants in husbandry, whether the hiring be for longer or shorter term than a year, and between masters and *handicrafts, miners, colliers, keelmen, pitmen, glassmen, potters,* and other labourers, may be determined by a justice, who is to examine upon oath, and make order for payment of wages, provided the sum in dispute does not exceed 10*l.* in respect of a servant, or 5*l.* in respect of a handicraft, miner, &c., and on non-payment for 21 days the

sum awarded may be levied by distress. 20 Geo. 2, c. 19; 31 Geo. 2, c. 11.

If any servant in husbandry, handicraftsman, artificer, calico-printer, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, contract in writing to serve, and shall not enter into such service, or shall absent himself before the term of his contract be expired (whether such contract be in writing or not), or be guilty of any misconduct or misdemeanor, he may be committed to the house of correction to hard labour for not exceeding three months; or, in lieu thereof, the whole or a proportional part of his wages may be abated, or he may be discharged from his contract or employment. 4 Geo. 4, c. 34, s. 3.

By 10 Geo. 4, c. 52, the provisions in 4 Geo. 4, for enlarging the powers of magistrates in determining disputes between masters and workmen, are extended to persons engaged in the manufactures and trades mentioned in 17 Geo. 3, c. 56; namely, to dyers and persons employed in the manufacture of *hats*, *woollen*, *linen*, *fustian*, *cotton*, *iron*, *leather*, *fur*, *hemp*, *flax*, *mohair*, and *silk*.

II. WAGES OF SEAMEN.

Master of vessel (coasting vessels included) not to carry any seaman to sea from any port where he was entered, without first making a contract with such seaman for his wages; such contract to be in writing, and be signed by the seaman within three days after he is entered on board. Penalty on master for

omission, to the use of Greenwich Hospital, *5l.* 2 Geo. 2, c. 36; 31 Geo. 3, c. 39.

Master to pay seamen their wages, &c., if demanded, in thirty days after the ship being entered at the custom-house (if a coaster within five days), or at the time they are discharged, on penalty of 20*s.*, payable to each unpaid seaman. 2 Geo. 2, c. 36, s. 7.

By 59 Geo. 3, c. 58, master refusing to pay wages, after the expiration of *two days* from the entry of the vessel at the custom-house, or from delivery of cargo, or from the time of discharge of seamen, such wages may be recovered, provided they do not exceed 20*l.*, on application to a justice; on refusal to comply with justice's determination for the space of two days, a warrant may be issued to levy the same by distress and sale of the goods of the master, or, in case of no master or person in charge of vessel, by distress upon the owners. This act is continued for seven years, by 3 & 4 Wm. 4, c. 88.

III. PAYMENT OF WAGES IN GOODS.

An attempt was made in the session of 1831 to prohibit the practice of paying wages in *goods* in lieu of coin or bank notes, by enacting that contracts for the hiring of artificers and labourers, and the payment of wages, must be made in *coin* in the following occupations; namely, "In or about the making, casting, converting, or manufacturing of iron or steel, or any parts, branches, or processes thereof; or in or about the working or getting of

any mines of coal, ironstone, limestone, salt rock; or in or about the working or getting of stone, slate, or clay; or in the making or preparing of salt, bricks, tiles, or quarries; or in or about the making or manufacturing of any kinds of nails, chains, rivets, anvils, vices, spades, shovels, screws, keys, locks, bolts, hinges, or any other articles or hardwares made of iron or steel, or of iron and steel combined, or of any plated articles of cutlery, or of any goods or wares made of brass, tin, lead, pewter, or other metal, or of any japanned goods or wares whatsoever; or in or about the making, spinning, throwing, twisting, doubling, winding, weaving, combing, knitting, bleaching, dyeing, printing, or otherwise preparing of any kinds of woollen, worsted, yarn, stuff, Jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair, or silk manufactures whatsoever, or in or about any manufactures whatsoever made of the said last-mentioned materials, whether the same be or be not mixed one with another; or in or about the making or otherwise preparing, ornamenting, or finishing of any glass, porcelain, china, or earthenware whatsoever, or any parts, branches, or processes thereof; or any materials used in any of such lastmentioned trades or employments; or in or about the making or preparing of bone, thread, silk, or cotton lace, or of lace made of any mixed materials."—But the payment in notes of the Bank of England, or any licensed banker, or in drafts payable to bearer on demand (the workmen consenting to receive such

drafts) is lawful. 1 & 2 Wm. 4, c. 37, ss. 1, 8, 19.

Employers entering into contracts, or paying wages otherwise than the act directs, forfeit for a *first* offence not exceeding 10*l.* nor less than 5*l.*; for a *second* offence not exceeding 20*l.* nor less than 10*l.*; for a *third* offence the offender is deemed guilty of a misdemeanor, punishable with any fine not exceeding 100*l.* s. 9.

Two justices may award any portion of the penalties to the informer not exceeding 20*l.*; the remainder of the penalties to go to the county rates.

The act is limited to Great Britain.

CHAP. LXXIX.

WINES.

The duties imposed upon every excise license required to be annually taken out by dealers in, and retailers of *foreign* wine are the following:

Every dealer who has not an excise license for retailing spirits, and a license for retailing beer . . .	£10 0 0
Every retailer who has taken out a license for retailing beer to be drank on the premises, but has not taken out an excise	

license for retailing spirits to be drank on the premises . . . £4 4 0

Every retailer who has taken out excise licenses for retailing beer and spirits to be drank on the premises . . 2 2 2

No excise license will be granted to retail foreign wine or spirits to be drank on the premises to any person who has not a magistrates' license for the sale of beer, cider, or perry. Retailers of beer under an excise license only are not allowed to sell wine or spirits, on penalty of 20*l.* 1 Wm. 4, c. 64, s. 7.

Dealing in wine without a license, penalty 100*l.*; and retailing wine without license, penalty 50*l.* 6 Geo. 4, c. 81, s. 26.*

* By an act of last session, the 3 & 4 Wm. 4, c. 68, and which is limited to Ireland, it is provided that no retailer of wine, spirits, beer, or cider, to be drank on the premises, shall keep open his house for the sale thereof, between the hours of eleven at night and seven in the morning, nor before two o'clock on Sunday, on penalty of 2*l.* for every offence. The writer of this, some years since, in his *Treatise on the Police and Crimes of the Metropolis*, p. 329, suggested a similar regulation for England, but limited to Saturday night and the Lord's day.

By such a regulation of police, much of the profligacy and intemperance which prevail on Saturday and Sunday might be prevented. During the late hours of Saturday night and on Sunday morning, the week's earnings of numbers of the working classes are dissipated in drink, and their families left for the remainder of the seven days with no alternative but the pawnbroker's, theft, or starvation. The shops of butchers, bakers, and all others for the sale of *eatables* we would suffer to

Every person who has taken out a license for retailing foreign wine, and who has not taken out a license for retailing spirits or ale, is deemed a *dealer by wholesale;* but if he is licensed for retailing either spirits or ale he is deemed a ***retailer.*** Wholesale dealer must inscribe in legible characters over the outer door of his premises for keeping wine for sale, his name, and after such name the words ***Dealer in Foreign Wine***, on penalty of 50*l*. Inscribing these words over any unentered place, penalty 100*l*. over and above the penalties for selling in an unentered place. 26 Geo. 3, c. 59, ss. 11, 14, 15.

Every ***retailer*** to cause the word *wine* to be expressed either on a sign hung out, or near the door or front of his house, on pain of 10*l*. 32 Geo. 3, c. 19, s. 3. See further as to inscription of names and business, p. 164.

Dealer in foreign wine must make entry in writing at the next excise office of the warehouses, vaults, or other places, used by him for keeping wine; on pain of forfeiture of the wine and of the casks, bottles, and packages, and also 100*l*. for every unentered place. But not to extend to wine sold while

remain open, but the beer and spirit shops we will close every Saturday night at eleven, and not suffer them to be re-opened till after the morning service on Sunday.

By a simple expedient of this nature, we are convinced a great improvement would be effected in the morals and comforts of the poorer classes; the *loaf* and *joint* at least would be saved from transmutation into *gin*, and thousands obtain a luxury they are now deprived of in the enjoyment of a comfortable Sunday dinner.

lying openly on the quay where first landed. 26 Geo. 3, c. 59, s. 12.

Two persons (not in partnership) cannot make entries of the same place or within the same house or tenement. s. 13.

Officers may enter places at any time (if in the night with a constable), kept for the sale of wine either by wholesale or retail, to take an account of wine in bottles or casks, and may uncork bottles and take samples, paying for the same; obstructing officer, penalty 100*l.* ss. 17, 18.

Dealer to mark upon every cask or vessel containing more than *three gallons* of wine the quantity it will contain, and the sort, whether *French*, red or white, or other foreign wine; on pain of forfeiture of the wine. s. 19.

Wine the produce of the *Cape of Good Hope* to be kept separate from other foreign wine, and the white wine of the Cape to be distinguished from the red; on pain of forfeiture. 54 Geo. 3, c. 77, s. 5.

Places for keeping wine to be shown to the officer, and every cask and bin containing above three gallons, on pain of forfeiture thereof; officer to mark such casks and bins: and if any person deface such mark; or if any dealer shall, without notice to the excise, set up any vessel or utensil for keeping wine, or alter or enlarge any vessel or bin of the capacity of three gallons; or have the same in a concealed place; he shall forfeit for every bin, vessel, or utensil, 50*l.* 26 Geo. 3, c. 59, s. 21.

Dealer before he begins to bottle wine to give, if within the bills, six hours', elsewhere twelve hours'

notice in writing to the officer; specifying in notice the place, the quantity, and sort of wine, and from what particular cask or vessel it is to be drawn. Officer to attend if he think fit, and wine to be packed or piled in his presence, and not be removed without giving a like notice, on penalty of 50*l.* Notice void if dealer does not proceed to draw off the wine within one hour after time mentioned. But no notice necessary for bottling off wine to be immediately sent out. s. 22.

Dealer mixing the red or white wine of the *Cape* with any other wine, to forfeit 300*l.* and the wine so mixed. 54 Geo. 3, c. 77.

Retail dealers must keep cider and spirits separate from wine, on pain of forfeiting 10*s.* a gallon, together with such wine, spirits, or cider. Cider or British wines and spirits found in any place entered for foreign wine by any *wholesale dealer* to be deemed *foreign* wine of the same sort as the wine with which it is kept; or if kept separate from any wine to be deemed and taken as French red wine. But no dealer in foreign wine to have British made wines in his possession, on pain of forfeiture and 10*s.* a gallon. ss. 24, 25, 29.

No dealer in foreign wine, not being an entered dealer in or retailer of spirits shall have in his custody at one time any spirits of wine exceeding two gallons, or any *British* spirits, except spirits of wine, of greater strength than 20 per centum under hydrometer proof; on pain of forfeiting the spirits and 100*l.* 57 Geo. 3, c. 123, s. 14.

Dealers in foreign wine to keep an account of the

quantity of wine under three gallons sold, sent out or consumed every day; and in another book a similar account of the wine sold or sent out amounting to three gallons or more. Books to be provided by the excise and when filled exchanged for new ones, the accounts being verified by the oath of the dealer. Penalty for neglect or false entries in such books, 20*l.* 26 Geo. 3, c. 59, s. 26.

If officer find any increase of stock beyond wh[illegible] ought to appear from the number of permits granted, and the account of wine sent out, such increase to be considered as wine brought in without payment of duty and to be forfeited. But not to extend to an increase of stock occasioned by wine brought in as imported in the original cask and no part drawn off. s. 28.

Removal of Wine.—No foreign wine exceeding three gallons to be removed without a permit, on pain of forfeiture. If permit be not used within the time limited (except in case of accident) it becomes void. Private persons removing wine from one place to another require a permit, which they will obtain on proof of payment of duties and a request-note to the officer specifying the quantity and kind of wine and mode of conveyance. Permits not used to be returned, on pain of forfeiting treble the value of the wine expressed in the permits. Where a permit is not returned by a dealer, and the decrease in his stock is found disproportionate to the wine permitted, the wine becomes forfeited, or the dealer to pay 100*l.* s. 37. Counterfeiting or altering a permit, or knowingly giving or receiving any false permit, sub-

jects to penalty of 500*l.* 26 Geo. 3, c. 59, ss. 34—40. See further *Permits*, p. 167.

Hiding or concealing foreign wine with intent to defraud the revenue, subjects it to forfeiture; and officer upon oath made and warrant obtained may enter premises by day or night (if in the night with a constable) to search for wine so suspected to be concealed. s. 42.

Obstructing officer in execution of his duty, or rescuing wine after seizure, or destroying or damaging any cask or package the officer is attempting to seize, or offering to bribe any officer, subjects to penalty of 100*l.* s. 45.

Export of Wine.—If any person (except the officer) open any package of wine sealed for exportation, or wilfully destroy or deface the seal or mark, he shall forfeit 50*l.* Wine relanded after shipment for exportation becomes forfeited. s. 47.

Import of Wine.—By the act for the *Encouragement of British Shipping*, wine, brandy, tobacco, timber, masts, boards, tar, tallow, hemp, flax, currants, raisins, figs, prunes, olive-oil, corn, wool, shumac, madders, madder-roots, barilla, brimstone, bark of oak, cork, oranges, lemons, linseed, rapeseed, and clover-seed, form the enumerated goods, the produce of Europe, which cannot be imported except in *British* ships, or ships of the country of which the goods are the produce. Penalty, forfeiture of the goods, and master of the importing ship to forfeit 100*l.* 3 & 4 Wm. 4, c. 54, ss. 2, 22.

For penalties on the *Adulteration of Wine*, see page 9.

LOCAL ACTS

OF THE

METROPOLIS.

CHAP. I.

BUILDING REGULATIONS.

By 14 Geo. 3, c. 78, all buildings now built or to be built hereafter, within London and Westminster, and bills of mortality, the parishes of St. Mary-le-bone, Paddington, St. Pancras, and St. Luke's Chelsea, are divided into seven rates subject to various regulations, as to the thickness of the walls, the erection of party-walls, and the distance between each building.

BUILDINGS OF THE FIRST RATE

Consist of churches, chapels, meeting-houses, and places of public worship; still-houses, brewhouses, soap-houses, houses for melting tallow, dying, sugar-houses, turpentine-houses, founderies of brass

or iron, chemical glass houses of all dimensions, warehouses and other buildings, not dwelling-houses (except of the 5th, 6th, or 7th rates) which exceed three stories above-ground, exclusive of rooms in the roof, or of the height of 31 feet above-ground to the top of the blocking course or coping on the parapet; and dwelling-houses above the value of 850*l.*, also houses above 9 squares of building of 100 superficial feet are of the first rate. s. 2.

External walls of the first-rate buildings to be at the foundation 2½ bricks, or 1 foot 9½ inches thick, and decrease on each side 2¼ inches to the top of the footing of the wall, which is to be nine inches high, and 2 bricks to the inside of the one-pair-of-stairs floor; from thence 1½ brick thick to the under side of the plate under the roof; from thence 1 brick to the under side of the blocking course, except walls of stone of 14 inches thick below the ground-floor and 9 inches above, and except recesses arched, and at the back one brick thick.

Party-walls to be 3½ bricks thick at the foundation, and decreasing on each side 4½ inches to the top of the footing, 1 foot high, and below the pavement of the cellar story two inches; the wall to be to the top of the footing 2½ bricks to the under side of the ground-floor, and thence 2 bricks to the under side of the floor of the rooms in the roof of the highest adjoining building, and thence 1½ brick to the top. ss. 3, 4.

BUILDINGS OF THE SECOND RATE

Are warehouses, stables, and other buildings, not dwelling-houses (except of the 1st, 5th, 6th, and 7th rates), exceeding two stories, and not more than three stories above-ground, exclusive of rooms in the roof or of the height of 22 feet, and not so high as 31 feet from the ground to the top of the coping; and dwelling-houses above 300*l.* value, and not* more than 850*l.*, and exceeding five squares and not more than 9 squares of building.

External walls of the second rate to be at the foundation 2 bricks thick, and decreasing on each side 2½ inches to the top of the footing, which is to be 9 inches high, and below the cellar floor 2 inches; and from the top of the footing 1½ brick thick, to the under side of the one-pair-of-stairs floor; from thence 1 brick thick, to the under side of the coping, except walls of stone above-ground 9 inches thick, and recesses arched, and at the back 1 brick thick.

Party-walls to be at the foundation 3½ bricks thick, and from thence decreasing on each side 4½ inches to the top of the footing, 9 inches high, and under the cellar floor 2 inches; and from thence 2½ bricks thick to the under side of the ground-floor; and thence 2 bricks thick to the under side of the two-pair-of-stairs floor; and thence 1½ brick thick to the top of the party-wall. ss. 5—7.

BUILDINGS OF THE THIRD RATE.

Warehouses, stables, and other buildings,* not dwelling-houses (except of the 1st, 5th, 6th, and 7th rates), exceeding 1 story, and not more than 2 above-ground, besides rooms in the roof, or 13 feet, and not more than 22 feet high from the ground to the coping; and dwelling-houses of the value of 150*l.*, and not more than 300*l.*, and exceeding 3 squares and a half, and not more than 5 squares.

External walls to be at the foundation 2 bricks thick, and thence regularly decreasing on both sides 2½ inches to the top of the footing, 6 inches high, 2 below the floor of the cellar story, and from the top of the footing, 1½ brick thick, to the under side of the ground-floor, and thence 1 brick to the under side of the coping.

Party-walls to be at the foundation 3 bricks thick, and thence regularly decreasing on each side 4½ inches to the top of the footing, 9 inches high, and 2 inches below the floor of the cellar story, and from the top of the footing 2 bricks thick, to the under side of the ground-floor, and from thence 1½ brick to the top of the wall. ss. 8, 9.

BUILDINGS OF THE FOURTH RATE.

Warehouses, stables, and other buildings not dwelling-houses (except of the 1st, 5th, 6th, and 7th rates) not exceeding one story above-ground, exclusive of rooms in the roof, and not more than 13 feet from the ground to the top of the coping;

and dwelling-houses not more than 150*l.* value, and not exceeding 3½ squares of building.

External walls at the foundation 2 bricks thick, and thence decreasing on each side 2¼ inches to the top of the footing, 6 inches, and 2 inches below the floor of the cellar story, and from thence 1½ brick to the under side of the ground-floor, and from thence 1 brick to the under side of the coping.

Party-walls to be two bricks thick at the foundation, from thence gradually decreasing on each side 2¼ inches to the top of the footing, 9 inches high, and 2 inches below the cellar floor, and from the top of the footing 1½ brick thick, to the under side of the ground-floor, and from thence 1 brick thick to the top of the wall.

All houses of the 1st, 2d, 3d, or 4th rate contiguous to other buildings shall have party-walls between them, to extend to the outward surface of each, and those and all chimneys and chimney shafts shall be of brick or stone, or both together (except as hereafter directed, and except piling, bridging, and planking, necessary for foundation); and such party-walls to be topped with stone, tile, or brick, and one-half on the ground of each house, and for which purpose workmen may enter the ground of the other house.

Party-walls above four stories high to be built as of the 1st rate, and those of the 4th rate houses, four stories high, as of the 3d rate. ss. 9—17.

BUILDINGS OF THE FIFTH RATE.

Dwelling-houses, warehouses, stables, and other buildings (except buildings not being dwelling-houses and of the first rate), at the distance of 4 feet and not 8 feet from any public road, street, or causeway, and detached from any other building, not in the same possession, 16 feet at least and not 30 feet, or connected only by a fence or wall, shall be of the 5th rate, and may be built of any dimensions. s. 18.

BUILDINGS OF THE SIXTH RATE.

Buildings of this rate are of the same description as the 5th rate, distant 8 feet from a public road, and detached from other buildings, not in the same possession, 30 feet, or connected only by a fence or fence-wall, and may be built of any dimensions or any materials. s. 19.

BUILDINGS OF THE SEVENTH RATE.

Crane-houses on wharfs or quays, shambles, wind, or water mills, and all buildings out of London and Westminster and liberties used for workshops, or drying-places for tanners, fellmongers, gluemakers, sizemakers, calico-printers, whisters, whitening-makers, curriers, leather-dressers, buckram-stiffeners, oilcloth-painters, woolstaplers, throwsters, parchment and paper makers, so long as used for these purposes, to be of the 7th rate, and may be built of any dimensions. s. 20.

External enclosures of crane-houses to be of stone,

brick, slate, tile, oak, elm, steel, iron, or brass; but other buildings of this rate may be of any materials, so that they be not covered with pitch, tar, or other inflammable composition and not used for other purposes.

HEIGHT AND MATERIALS OF PARTY-WALLS.

Party-walls to be 18 inches above the buildings adjoining and no recesses therein (except for chimneys, flues, girders, and beams and ends of piers as after-mentioned), so as to reduce such walls under the thickness required; nor openings (except for communication between different stacks of warehouses, or between stables which are to have iron doors), and except necessary passages on the ground-floor, which shall be arched over with brick or stone, 13 inches thick in every building of the 1st and 2d rate, and 8½ inches thick in every building of the 3d and 4th rate, and if there is a cellar under to be all arched in the same manner. s. 16.

No timber to be in party-walls (except bands, templets, and chains, and the ends of girders, beams, and the like), and to have 8½ inches of solid brick-work between the ends and sides of every piece of timber, except opposite to other timbers, and then no part of such timbers to approach nearer than 4 inches to the centre of the wall.

Party-walls not to be cut except 9 inches from the front or back wall, to the centre of such party-wall, for the purpose of inserting the end of such new front or back wall; and if a breast-

summer and story-posts 14 inches, and the same may be 4 inches wide in the cellar story, and 2 inches wide in the ground story, or may cut the wall for railings of stone stairs or landings, or timbers for wood stairs, not nearer than 8½ inches to a chimney, or 4 inches to the timbers of the next house, and may cut recesses for inserting the walls, not more than 15 inches wide nor 4 inches deep, and nearer than 10 feet to any other recess, and to make good all damages. s. 27, 28.

When buildings are mixed property the party-wall shall be of the highest rate of the building adjoining, with party-arches of 1½ brick in the 1st and 2d rates, and 1 brick in the 3d and 4th rates, between them, but not to extend to inns of court or chancery, except party-walls of staircases.

CHIMNEYS.

Chimneys to be 13 inches thick in the cellar story, and 8½ inches on every other story, and if against another chimney in party-wall of 1st rate 8½ inches, and of the 2d, 3d, and 4th rate 6½ inches, and no flue opposite another in party-walls (except 2 inches from the centre), and the breast to be 8½ inches thick in the cellar story and 4 in the other stories: all withs to be brick or stone and ½ brick thick; the bricks' back and withs to be pargeted within and without (except next to vacant ground) and then marked, except fronts. But chimneys may be placed in party-walls if desired by the owner of the adjoining house, on notice, which shall be deemed making

use of such party-wall, and the builder to pay a proportionate part of the expense with costs. ss. 29, 30.

Where owners are under any disability to contract or agree, a jury to determine the expense of rebuilding; and sessions may give judgment thereon, which is to be final; and in 14 days workmen may enter, and if interrupted the penalty is 10*l.*: builders to be paid expenses according to the verdict. s. 33.

PULLING DOWN PARTY-WALLS.

Old decayed party-walls or arches may be pulled down on 3 months' notice, and the expense to be paid by the owner of the improved rent, and till payment the property of the wall vested in the builder; new walls to pay a moiety of building, and old also, for pulling down, removing furniture and shoring, but not for clearing away rubbish, and the expense to be estimated at 7*l.* 15*s.* per rod, deducting 1*l.* 8*s.* per rod for the materials of the old wall, and 2*d.* per cube foot for materials of old timber partition.* In 10 days after built, an account to be delivered of the expenses, and if not paid in 21 days may be recovered by action; if the plaintiff gives three months' notice of such action, and recovers, he shall have double costs. ss. 38, 41.

* Materials and labour having greatly advanced since 1774, when this act was passed, it is usual to allow an extra price according to the worth by surveyors; and an extra price for the old brick-work, as also for the old sound timber.—*Builder's Price Book*, p. 15.

Party-walls to be of the thickness required for the highest rate of building adjoining, and may be raised above the other building, but if used by the other side to be paid for. Party fence-walls may be likewise raised, but not to be used as party-walls, unless of sufficient thickness, though either side may take it down and build a party-wall; and if the other side use it, to contribute, and the first builder not to lose his right of the soil, if the party-wall is not half on each ground. ss. 42, 43, 44.

If the fore and back front be rebuilt as low as the one-pair-of-stairs floor, in five years from each other, the party-walls to be subject to the regulations of this act; and chimneys, not in party-walls of the 1st rate, to be 13 inches in the cellar story, to 12 inches above the mantel, and if of other rates, 8½ inches (except built against a wall, and then it may be half a brick thinner); and the backs of chimneys of the 2d, 3d, and 4th rates, and not in party-walls, to be 8½ inches thick from the hearth to the mantel (except against a wall, and then half a brick thinner); and no timber over the opening of any chimney to support it, but brick, stone, or iron; and no timber under the hearth nearer than 18 inches, and to have slabs of tile, stone, marble, or iron, 18 inches broad; and no wood in the brick-work of any oven, stove, copper, still, boiler, or furnace, within two feet of the inside, nor of any chimney nearer than 9 inches to the opening, or 5 inches to the flue; nor wood to the front of chimneys, except fastened by iron nails, not more than 3 inches in the wall, or nearer than 4

inches of the inside; and no chimney to be erected on timber-work, except below the foundation, and on brick or stone corbels, or iron shores. s. 45.

EXTERNAL WALLS AND DECORATIONS.

External walls to be of brick, stone, artificial stone, lead, copper, tin, slate, tile, or iron, or mixed, except necessary piling for foundation and templets, chains, and bond-timbers, and except doors, windows, and the frames thereof set in recesses, 4 inches from the front, and except breast-summers, and stall-boards for shops in the ground story only; story posts to be 2 inches in party-walls, and of oak or stone, and 12 inches square; and flats, gutters, and roofs, of the first five rates, and all turrets, are to be covered with glass, copper, lead, tin, slate, tile, or artificial stone, except doors and windows. ss. 46, 47.

External decorations to be of brick, stone, burnt clay, or artificial stone, and also covered ways the same.

No water to drip into the streets, except from porticoes and entrances, but to be conveyed by pipes or trunks to the ground.

No bow-windows to project beyond the line of buildings (except decorations, shop-windows, and stall-boards) in streets 30 feet wide, not more than 10 inches; in lesser streets 5 inches; and no cornice more than 18 inches in streets of 30 feet; and 13 inches in lesser streets; and materials of bow-windows and projections to be the same as external

walls; but this is not to affect the commissioners of paving, or sewers, in London. s. 49, 50.

Old external walls may be repaired with the same materials as before, but if rebuilt, to conform to this act; and no bow-window or projection to be rebuilt, unless originally built with the house, and in a line with the street; no stack of warehouses to be above 35 squares, or any communication through party-walls, unless by stone door-cases, and iron doors, and no timber within 18 inches, no stables more than 25 squares, and the like doors. s. 51—54.

Buildings of the first 4 rates (except inns of court and chancery, Royal Exchange, companies' halls, warehouses and dwelling-houses, under 25*l.* per annum rent) converted into two distinct tenures, to be deemed separate buildings, and to have party-walls; but warehouses under 35 squares, and stables under 25 squares, may be divided. ss. 55, 56, 57.

BUILDINGS DEEMED NUISANCES.

Buildings of the 5th and 6th rates, in distinct tenures, and not at requisite distances, deemed nuisances. s. 58.

No funnel for smoke to be next the street in front of the four first rates, and not nearer than 14 inches, of timber, nor any brick funnel to extend beyond the line of the street. s. 59.

Every building contrary to the act is declared a *common nuisance*, and the builder may be bound to demolish the same, if convicted in 3 months after being built; the lord mayor and aldermen, or two

county justices, may respectively order irregular buildings to be taken down, and materials sold to defray expense. ss. 60, 61.

The lord mayor, aldermen, and justices in session, may respectively appoint surveyors, to whom notice is to be given 24 hours before the beginning of any building, who are to survey the same, and be paid by the builder as follows:

	l.	*s.*	*d.*
First rate building	3	10	0
Alteration or addition . .	1	15	0
Second rate building . . .	3	3	0
Alteration or addition . .	1	10	0
Third rate building . . .	2	10	0
Alteration or addition . .	1	5	0
Fourth rate building . . .	2	2	0
Alteration or addition . .	1	1	0
Fifth rate building . . .	1	10	0
Alteration or addition . .	0	15	0
Sixth rate building . . .	1	1	0
Alteration or addition . .	0	10	6
Seventh rate building . . .	0	10	6
Alteration or addition . .	0	5	0

These rates may be levied by distress on the master workman with costs. And in default of notice treble satisfaction to the surveyor, and 20*l.* penalty. ss. 63, 64.

Surveyor to give information of irregular buildings, which are to be demolished or amended. Workmen negligently building contrary to the act, to forfeit 50*s*. s. 66.

Houses and buildings to be surveyed 14 days

after finished, and the surveyor in 14 days more to make oath that such house or building is duly built. Builders neglecting to have the same done, forfeit 10*l.*; if not done in a month after conviction, to forfeit 10*l.* more, and so much more for every other month he neglects. s. 67.

Surveyor misbehaving may be discharged and rendered incapable of acting again. ss. 65, 68.*

By the 29 Geo. 3, c. 48, the warehouses belonging to the East India Company are exempt from the regulations of this act; also the king's palaces.

DECAYED BUILDINGS.

When buildings are presented as ruinous a hoard is to be put up; if owners, on notice, neglect to take them down, the court of lord mayor and aldermen, or (out of the city) the churchwardens and overseers of the poor may order them to be taken down, and materials sold to defray the expense: the surplus, if any, to be paid to the owner, if demanded in six years; if deficient, the owner or occupier is to make good, the landlord allowing the tenant what he so pays. ss. 70, 71.

* Although surveyors are not regular appraisers, yet in many instances they are valuers of workmanship, labour, and materials of building, and therefore are liable to the penalties of the 46 Geo. 3, c. 43 (see p. 35), same as appraisers, and must take out an annual license accordingly.

CHAP. II.

COAL TRADE.

All coals, cinders, and culm sold from any vessel in the port of London, or at any place within the cities of London and Westminster, or within 25 miles from the General Post-office, must be sold by *weight* and not by measure. 1 & 2 Wm. 4, c. 76, s. 43.

Knowingly selling one sort of coals for a sort which they are not, subjects to a penalty of 10*l*. for every ton sold, and so in proportion for any smaller quantity: but the penalty not to be levied for a quantity exceeding 25 tons for the same offence. s. 45.

With every quantity of coals exceeding 560 lbs., the seller must send a ticket informing the buyer of the quantity and sort of coals sent, the weight in each sack, and that he is authorized, if he think fit, to require the carman to weigh, gratuitously, in the weighing-machine the carman brings, the whole or any sack of such coals. Penalty on the seller not sending the ticket, and causing it to be delivered to the buyer before unloading any part of the coals; or on the carman who has received the ticket, refusing or neglecting to deliver it to the buyer, not

exceeding 20*l.* But coals bought at the coal market may be delivered without a ticket. s. 44.

Coals in Bulk.—Coals sold in any quantity exceeding 560 lbs., must be delivered in sacks of 112 lbs. or 224 lbs. net, except coals delivered in bulk or by gang labour, which last may be conveyed in sacks containing any weight. s. 48.

Coals may be delivered in bulk if the buyer think fit; but if the quantity exceed 560 lbs., they must be previously weighed on the wharf or place of delivery, and the ticket must express the weight of the coals, and the cart in which they are conveyed. Penalty for delivering coals in bulk without weighing, or without having provided a machine for the purpose, or without expressing in the ticket the several weights of coals and cart, any sum not exceeding 50*l.* s. 49. Or the buyer of coals in bulk may require them to be weighed at any public weighing-machine, not distant more than 100 yards from the line of road; penalty on carman refusing to weigh, not exceeding 10*l.* s. 50. For any weight of coals delivered in bulk less than the ticket expresses, penalty not exceeding 10*l.*; if deficiency exceeds 224 lbs., penalty not exceeding 50*l.* s. 51.

Weighing-machine.—Carman carrying coals *for sale* or delivery, must have a perfect weighing-machine with weights marked at Guildhall; penalty on carman not exceeding 10*l.*, and on the seller or dealer not exceeding 20*l.*: but coals delivered in bulk need not be accompanied with a weighing-machine. s. 53.

Buyer may require carman to weigh any sack of coals; refusing so to do or driving away, penalty not less than *5l.*, nor exceeding *20l.* s. 55. Buyer may require *all* the coals to be reweighed in the presence of a constable; carman refusing, penalty not exceeding 20*l.* s. 56.

For every sack of coals not weighing 112lbs. or 224lbs., the seller to forfeit not exceeding *5l.* s. *57*.

No quantity of coals less than 560 lbs. to be sold without being weighed, and, if the purchaser require it, in his presence, under penalty of not exceeding *5l.* s. 58.

Weighing-machines to be kept at watchhouses or police stations, as directed by two justices; overseers neglecting to provide or repair them within seven days after notice from a policeman or inhabitant, to forfeit not exceeding 10*l.* s. 59.

Coal Duties.—The rates or duties of 1*d.* and 12*d.* per ton on coals, cinders, and culm, must be paid to the clerk of the coal market, before bulk is broken or any part of the cargo unladen; clerk refusing to receive the duties, or give a certificate for the same without fee, to forfeit not exceeding 10*l.* s. 59. Penalty for breaking bulk before payment of the duties, not exceeding 25*l.* s. 70.

Custom-house officer not to cancel bond till after payment of the duties; and clerk of the coal market not notifying to the coast office the payment of the duties within seven days after, to forfeit not exceeding 25*l.* s. 71.

Owners of ships may compound with the corpora-

tion of London, for the number of tons in respect of which duties shall be paid. Any enlargement or alteration of the ship, by which a greater quantity of coals can be carried, must, after agreement for a composition, be notified to the clerk of the coal market, under penalty not exceeding 50*l*. s. 74.

Coal Fitters.—Every fitter or other person vending or delivering coals for the port of London, must transmit a certificate by post, or the master of the vessel, of the quality of the coals, the price paid for them, and the day of shipment, to be registered at the coal market in London. Penalty on fitter not giving a certificate, or a false one, 100*l*. Penalty on master of vessel delivering a false certificate, or not delivering certificate within 24 hours after arrival of his ship at her moorings, 100*l*. Penalty on clerk or other person neglecting to register certificate within 24 hours, or refusing to show such certificate to any person coming between the hours of twelve and two to inspect the same, not exceeding 5*l*. s. 75.

Inspector of the corporation may weigh the coals; if quantity exceed the amount mentioned in the fitter's certificate by 5 lbs. in 100 lbs., an additional penalty of 3*d*. per ton.

Recovery of Penalties.—All fines and penalties under 25*l*. must be sued for within one calendar month, and are recoverable before any magistrate of the district where the offence was committed. Penalties above 25*l*. recoverable, within three calendar months, by action or information, in any of the courts of record at Westminster. Penalties

incurred by carmen may be recovered from their employers, who may recover them back from their carmen. No action can be brought after tender of amends. Penalties go to the informer, the poor, or the king. Witness not attending on summons, to forfeit 25*l.* ss. 76—83.

CHAP. III.

FIRES.

The lord mayor, aldermen, and common council, may prohibit such trades and occupations as they judge noisome or perilous in respect of fire, to be exercised in the principal streets of the city. 19 Car. 2, c. 3, s. 21.

Under the Building Act, the jurisdiction of which extends through the entire metropolis, including the parishes of Mary-le-bone, Pancras, Paddington, and Chelsea, it is provided that the fire-cocks are to be kept in repair, and marks on the houses to point out their situation by the parish; a large and small engine, and three or more escape ladders are also to be kept in readiness, under penalty of 10*l.* for default. 14 Geo. 3, c. 78, ss. 74, 75.

In case of fire the turncock whose water comes first shall have 10*s.* paid by the parish officers. First engine 30*s.*; second engine 20*s.*; third engine

10*s*. But no reward without the approbation of an alderman or two common councilmen of the ward in the city of London, or of a justice, if out of the city jurisdiction. Rewards to be paid out of the poor-rates. Where parish officers pay rewards for fires in chimneys only, or for engine first arriving there, they are to be reimbursed by the lodger or occupier, as the mayor or justice shall direct, who may examine the parties on oath, and if not paid in 14 days may be levied by distress. s. 78.

Parish vestry may make a special rate, or grants out of the poor-rates for providing engines, ladders, &c. s. 81. Watermen belonging to the insurance offices, not exceeding 30 in number to each, are protected from impressment. s. 82.

Servants through negligence setting fire to houses, to forfeit 100*l*. or suffer 18 months' imprisonment. This clause extends throughout Great Britain. s. 84.

Tar or Turpentine.—By the 25 Geo. 3, c. 77, no person either in London or in any other part of England, shall distil or boil any turpentine or tar, or draw any oil of turpentine or resin, by distilling turpentine, or draw any oil of tar or pitch, by distilling or boiling tar, or boil any oil and turpentine, or oil and tar together, above ten gallons at one time, in any place which is not 75 feet distant from any other building, on penalty of 100*l*. and treble costs. But this is not to prevent shipwrights, barge-builders, and such persons, from boiling or mixing oil, and other things, to pay ships, barges, and the like.

CHAP. IV.

HACKNEY-COACHES AND CARTS.

Every carriage with two or more wheels, used for the purpose of plying for hire at any place within five miles of the General Post-office, whatever be its form or the number of persons it will convey, or the number of horses by which it is drawn, is deemed a "*hackney carriage;*" but this description does not include licensed stage-carriages plying for hire at separate fares. 1 & 2 Wm. 4, c. 22, s. 4.

The *limits of the metropolis* under this act comprise any place not distant more than three miles, measured from the General Post-office, being the limits within which letters arriving by the general post are delivered without additional charge. s. 40.

Licenses and Plates.—For every new license to keep a hackney-coach a duty of *5l.* to be paid; and weekly, during the continuance of the same, 10*s.* No licenses to be granted to persons under 21 years of age, nor to any person convicted of felony or of receiving stolen goods; and any one whose license has been revoked may be refused a renewal of license. Applicants for license to sign a requisition in form prescribed by commissioners of stamps, specifying the name and abode of the applicant, and name of proprietor of carriage. Penalty for omitting name of any person whole or part proprietor, or of any

person concerned in using, employing, or letting to hire such carriage, 10*l.* s. 11.

Change of abode of proprietor to be notified, under penalty of 40*s.* s. 13.

Within seven days after the grant of license, the proprietor must leave at the office of commissioners of sewers, at the Guildhall in the city of London, his name, abode, and number of the plate to be registered; and this must be repeated within seven days whenever his abode or number of his plate is changed. Penalty for omission 40*s.* s. 14.

Weekly duty of 10*s.* to be paid in advance on the first Monday of every calendar month, under pain of revocation of license. s. 15.

Plates to be delivered up within three days after notice of discontinuance or revocation of license, on penalty of 10*l.* s. 17.

Every hackney-coach to have the stamp-office plate on the back outside, and three others, provided by the proprietor, namely, one inside of the back containing the number and one on each side containing the number and the name and abode of proprietor in letters one inch and a half at least in length, painted in letters of black on a white ground. Penalty for concealing plates, or obstructing any person taking the number, 5*l.* s. 20.

Penalty for using a carriage without license, or without the plates properly numbered and fixed, or for not delivering up within one week after notice plates recalled, 10*l.* s. 22.

Penalty on the driver 5*l.*, or on the owner 10*l.*

for plying for hire without the stamp-office plate, and the carriage and horses may be seized by the police. s. 23. Forgery of stamp-office plate a misdemeanor. s. 25.

Proprietor not appearing and producing the driver on summons, to forfeit 40*s*. On a second refusal justices may proceed. s. 26.

Watermen.—Watermen, or assistants to drivers at the standings to be licensed; acting without license, penalty 40*s*. s. 30.

Badge to be worn on the breast by watermen; acting without badge, or refusing inspection of number, or suffering it to be worn by another person, penalty 40*s*. s. 31.

Distances, Check-strings, and Standings.—Drivers (without reasonable cause to be allowed by a justice) compellable to drive five miles from the place where hired, or from the Post-office, under a penalty of 40*s*. s. 34. Penalty for refusing a fare, if standing in the street and unhired, 40*s*. s. 35. Drivers may ply on *Sundays*, subject to the same liabilities as other days. Persons refusing to pay the driver, or compensate him for loss of time in summoning for the same, or to satisfy him for damage caused to his carriage, may be imprisoned one calendar month. Driver refusing to go, or exacting more than the legal fare, or not travelling with proper expedition, subject to a penalty of 40*s*. s. 42. Agreements to pay more than *legal* fare not binding, and the excess paid may be recovered, and the driver fined 40*s*. for extortion. For a stated sum, the driver may agree to

drive any distance at discretion, and is liable to a penalty of 40*s*. for demanding more than sum agreed upon, though less than the legal fare. Number of persons to be carried to be painted on the carriage, and refusing to carry the number, 40*s*. s. 46.

Deposit to be made for carriages waiting; refusing to wait, or account for the deposit, or going away before the time has expired for which the deposit was made, penalty of 40*s*. s. 46.

Check-strings to be provided, and while driving to be held by the driver, under penalty of 20*s*.

Property left in a carriage to be carried to the Stamp-office, under penalty of not less than 20*l*.; if not claimed within one year, to be given to the driver. s. 49.

Driver not to permit any person to ride in, upon, or about any carriage, without the express consent of the person hiring the same, under penalty of 20*s*. s. 50.

Plying or standing with carriage across any street, passage, alley, or alongside any other carriage, two in a breadth, except in *Palace Yard*, or within eight feet of the curb-stone; or feeding the horses in the street, except corn out of a bag, or hay from the hand; or wantonly obstructing any private coach, or other carriage; or in a forcible and clandestine manner taking the fare from any other driver: in all these cases, the penalty on the proprietor, driver, or waterman offending, is 20*s*. ss. 51, 52.

On every standing, a clear space of ten feet to be left between every four carriages; penalty on car-

riage after the fourth not observing the rule, 20*s*. s. 53.

Carriages left unattended at places of public resort, may be driven away by any peace officer or watchman, and the driver fined 20*s*. s. 55.

Endangering any person by intoxication, wanton and furious driving; or using abusive and insulting language, or being guilty of other rude behaviour, subjects any proprietor, driver, or waterman, to a penalty of 5*l*. and the license may be revoked. s. 56.

City of London and Southwark.—The court of aldermen may appoint standing-places in the city and borough for carriages, regulate the number of carriages, the distances at which they shall stand from each other, the hours of plying for hire, and make regulations for the drivers and persons having the management of the carriages; such regulations of the court not to be contrary to the provisions of this act, and, prior to being carried into effect, to be inserted in the *Gazette*, and two or more newspapers, and hung up for inspection in the Town Clerk's office. Penalty for infringing regulations of the court not to exceed 5*l*. s. 54.

Waggons, Wains, Carts, Cars, and Drays.—The Christian and surname and place of abode of the owner (or if more than one owner, the principal) of every waggon, wain, cart, car, dray, and other such carriage, used in any public street or road within five miles of the Post-office, must be painted on some conspicuous place on the right or off side, clear of the wheel, or on the right-side shaft, in let-

ters of black upon a white ground, or of white upon a black ground, of at least one inch in height, and of proportionate breadth; such letters to be renewed as often as any part of them is obliterated. Penalty for neglect 5*l.*, and any person may seize the waggon, cart, &c. not having the names painted as directed, and convey the same to a greenyard or livery stable, to await the decision of a magistrate. s. 59.

Witnesses and Penalties.—Persons refusing to attend as witnesses on any complaint, or constable refusing to serve them with warrant, to forfeit 5*l.* Penalties may be mitigated by justices. All penalties, except such as are recovered within the city or borough (which are paid to the commissioners of sewers and informers), to be shared half to the king, and half, with *full costs*, to the prosecutor. All prosecutions to be commenced within three calendar months.

Fares of Hackney-coaches.—For every hackney-coach drawn by two horses, for any distance not exceeding one mile, 1*s.* For any distance exceeding one mile, after the rate of 6*d.* for every half-mile, and for any fractional part of half a mile over and above any number of half-miles completed.

By *time* the fare is, for not exceeding 30 minutes, 1*s.*; not exceeding 45 minutes, 1*s.* 6*d.*; not exceeding one hour, 2*s.*; and for any further time, after the rate of 6*d.* for every fifteen minutes completed, and 6*d.* for any fractional part of fifteen minutes.

The fares of hackney carriages drawn by one horse

are, both by distance and time, one-third less; so that for the first mile they are 8*d.*, for a mile and a half 1*s.*, and so on.

Back fare, above the fare out, may be demanded for any carriage discharged beyond the limits of the metropolis after eight in the evening, and before five in the morning, to the nearest part of the limits, or to the standing beyond the limits where the carriage may have been hired, at the option of the hirer.

Carriage driven into the *country* in the daytime, and discharged at the distance of four miles beyond the limits of the metropolis, and not after eight in the evening, nor before five in the morning, are entitled to an additional 6*d.* for every mile back to the limits, or to any standing beyond the limits, where the carriage may have been hired at the option of the hirer; but no additional rate to be paid for any distance less than four miles.

Stage-coaches.—By 2 & 3 Wm. 4, c. 120, s. 31, any licensed stage-carriage, having the proper numbered plates, may stand or ply for passengers for hire and take up, convey, and set down such passengers at any place within five miles of the General Post-office, or elsewhere, notwithstanding any provision to the contrary in the Hackney-coach Act; provided such stage-carriage does not deviate from the proper route or line of road specified in the license.*

* It appears that the line of Oxford-street intersected by Regent-street is under the jurisdiction of H. M.'s Commissioners of Woods and Forests, and hackney-carriages are not

CHAP. V.

PARISH CHILDREN.

The churchwardens and overseers of every parish within the bills of mortality are required to enter in a book all infants under four years (extended to six years, 7 Geo. 3, c. 39) of age brought to the workhouse, their names, age when received, and all circumstances relating to them. Infants received before baptism must be baptized within 14 days after reception, and if unknown a surname must be given them by the officers. A copy of register book to be laid monthly before the vestry or parish meeting. The vestry clerk of every parish, or where no vestry clerk, the churchwardens and overseers must every year, prior to *Feb.* 15, deliver with 15*s.* a copy to the clerk of the company of parish clerks who must prepare a general abstract to be sent to every parish before the 25th of *March* in every year. Penalty 40*s.* for each offence in any churchwarden, overseer, vestry clerk, master of workhouse, or master, warden, or clerk of the company of parish clerks, neglecting their duty under the act. 2 Geo. 3, c. 22, ss. 2—17.

allowed to stand and ply there without leave of the commissioners. Byers, the informer, lately obtained 150 summonses against omnibus proprietors and others for an infringement of this clause in the Regent-street Act.

All children born in or received in any workhouse or parish house of any parish within the bills of mortality, not being suckled by the mother, and under two years of age, shall within 14 days after their birth or reception be *sent into the country*, not less than five miles from London or Westminster; and all children received into such houses, above the age of two and under six years, shall within 14 days after reception, be sent into the country not less than three miles from London and Westminster to be nursed. 7 Geo. 3, c. 39, ss. 1, 2, 3.

For the nursing and maintenance of each child for the first six years of their age, not less than 2*s.* 6*d.* to be paid; and from that time till apprenticed or returned to the workhouse, not less than 2*s.* weekly; exclusive of all expenses of conveyance, clothing, medicines, &c. Nurses acquitting themselves well in the care of children under nine months of age during one year to receive a premium of 10*s.* s. 4.

Guardian of parish poor children to be appointed from among the principal inhabitants; no churchwarden or overseer to be elected guardian. ss. 5, 6.

No parish child to be apprenticed with less than 4*l.* 2*s.* as premium; 40*s.* whereof to be paid to the master or mistress within 7 weeks after executing the indenture, and the remaining 42*s.* after the apprentice has served three years of apprenticeship. s. 15.

Lists of parish apprentices to be delivered to the clerk of the company of parish clerks, and yearly

abstracts to be published, as in the case of infant children already mentioned. ss. 16—18.

Penalty *5l.* on any churchwarden, overseer, vestryman, vestry clerk, master of workhouse, or master, warden, or clerk of the company of parish clerks failing in their duty under this act. s. 23.*

CHAP. VI.

POLICE OF THE METROPOLIS.

The acts of parliament which relate to the police, nightly watch, lighting, pavements, sewers, and street nuisances of the metropolis, are extremely numerous, complicated, and not unfrequently conflicting in their provisions. They may however be classed under two principal heads; first, those that apply only to a particular district or jurisdiction, as to the city of London, or of Westminster, or the borough of Southwark; and secondly, those that embrace the whole of the metropolis, included within the bills of mortality, or extend to some determinate distance from the General Post-office, Charing-cross, or the Royal Exchange. Some acts are limited to a particular street as Regent-street, under H. M. commissioners of woods and forests, or to particular markets, as Billingsgate, Leadenhall,

* "Prior to the statutes for the register and removal into the country of the infant poor of the metropolis, Dr. Price remarks that almost all parish children died in the first six years of their age."—*History of the Middle and Working Classes*, 2d edition, p. 81.

or Covent Garden. It is important to the inhabitants of the metropolis, they should be apprized of the penalties to which they are liable under these several local statutes; but in endeavouring to give a summary of them, it will be essential to specify the limits within which they may be inflicted. In order therefore to avoid confusion we shall begin with the more general enactments, and be careful to describe the boundaries within which they may be enforced.

I. GOVERNMENT POLICE FORCE.

Under 10 Geo. 4, c. 44, a new office of police was established for the metropolis and vicinity, consisting of two magistrates, empowered to act within the counties of Middlesex, Surrey, Hertford, Essex, and Kent; but they are not to act in any court of general or quarter sessions, nor in any matter out of sessions, except for the preservation of the peace and the prevention of offences. They are exempt from any landed qualification, and have the entire control, subordinate to the home secretary of state, of the nightly watch and police, within the limits of the metropolitan police district, and which district (city of London excepted) may be extended to any parish or place situated within the distance of 12 miles from Charing-cross.

If any publican or keeper of any house, shop, room, or other place for the sale of liquor, whether spirituous or not, harbour any police constable during the hours he ought to be on duty, he shall

forfeit any sum not exceeding *5l.* 10 Geo. 4, c. 44, s. 6.

The police constables are empowered to apprehend all loose, idle persons disturbing the public peace—all persons whom they may suspect of any evil design—all persons found between sunset and and eight in the morning lying in any highway, yard, or other place, or loitering therein, and not giving a satisfactory account of themselves. Assaulting or resisting a constable in the execution of his duty, or inciting others so to do, subjects to a penalty not exceeding *5l.* ss. 7, 8.

Constables attending at the watchhouse by night, may take bail by recognizance from persons brought before them for petty misdemeanors; such recognizance conditioning for the appearance of the parties before a magistrate; not appearing within one hour after the time appointed, recognizance may be forfeited; unless application be made for time of hearing to be postponed. s. 9.

Secretary of state may grant rewards to constables for superior zeal and activity, and superannuation allowances to those disabled or worn out in the service. s. 11.

No justice under this act can sit in the house of commons; nor can any justice, receiver, or policeman vote or interfere in parliamentary elections, under penalty of *100l.* s. 18.

Justices having given notice to extend the new police to any parish or place, all watchhouses, watchboxes, &c., provided at the public expense,

must be surrendered to the use of the police, under penalty not exceeding *5l.* s. 19.

Overseers under warrant from the police justices, to collect a police rate in the same manner as the poor-rate; but police rate not to exceed *eightpence* in the pound in any one year, according to the last valuation acted upon in the assessment of the county rate. Overseers may be distrained upon for any deficiency in the amount of the police rate ordered to be levied; and in default of sufficient distress the arrears may be relevied on the parish. ss. 23, 24.

II. PUBLIC POLICE OFFICES.

The jurisdiction of the nine boards of magistracy extends throughout the metropolis (city of London excepted) and the counties of Middlesex, Essex, Surrey, and Kent. Three stipendiary magistrates are attached to each office, who may be assisted by such of the unpaid justices of the counties of Middlesex and Surrey, as think proper to attend. Although the magistrates have concurrent jurisdiction each office acts independently, and confines itself to a prescribed local district, unless particular circumstances require general co-operation. The police officers or constables belonging to the several offices, may act as such within the four counties of Middlesex, Essex, Kent, and Surrey. Connected with the office at Bow-street, and under the superintendence of the chief magistrate of that office is the horse-patrol, who are sworn to act as constables within the limits of the four counties, and also

within the royal palaces and ten miles thereof. The justices of this office are also authorized to appoint constables to act within the metropolitan limits, on the application of any person, the applicant stipulating to pay the constables such wages as the magistrate deem fit, during the continuance of their appointment.

The establishment of the Thames-street police office differs from the rest; besides three magistrates and land constables, it has a large body of river constables, surveyors, and watermen, and a number of persons are sworn in and under the authority of the magistrates, who are paid by the several dock companies, and Regent-canal company.

At the head of the government police force, and the public police offices, is the secretary of state for the home department, who appoints the magistrate and all the chief subordinate officers.

With the exception of Bow-street, it is enacted that *one* justice shall attend at each public office every day from ten o'clock in the morning, to eight o'clock in the evening, and that *two* justices shall attend from 12 o'clock at noon until 3 o'clock in the afternoon; Sunday, Christmas-day, Good Friday, or any public fast or thanksgiving day excepted. 3 Wm. 4, c. 19, s. 2.

Any constable or patrol guilty of disobedience of orders, neglect of duty, or misconduct, to forfeit any sum not exceeding 10*l*. s. 10.

Tables of fees to be hung up in each office; justice or his clerk receiving any fee at any other

place than the police office for any thing done in the execution of his duty, to forfeit 100*l.*, half to H. M. half to the person who sues, with full costs. ss. 12, 13.

No police justice to sit in the house of commons; and if any justice, receiver, or constable vote or interfere in parliamentary elections, he shall forfeit 100*l.*, half to the poor, half to the informer. s. 19.

Regulation of Fairs.—At all fairs held within *fifteen* miles of Temple-bar business and amusement of all kinds must cease at eleven in the evening, and not recommence earlier than six in the morning. Any house, room, booth, caravan, or other place kept open within the prohibited hours subjects the keeper to apprehension and a penalty of 5*l.*; and any person present in such house, &c., not leaving it on the bidding of a constable, may be apprehended, and fined 40*s.* Justices may inquire into the legality of fairs held within *ten* miles of Temple-bar, and suppress such as are held without charter or prescription. s. 22.

Coffee-shops, &c.— No shop, room, or place, where ready-made coffee, tea, or other liquors are sold or consumed, shall be kept open after eleven at night during any part of the year; nor open before four in the morning between Lady-day and Michaelmas, or before five in the morning between Michaelmas and Lady-day; and no shop, room, or place of public resort, where refreshments or liquors, not subject to duties of customs or excise, are con-

sumed, shall be kept open after one in the morning or before five in the morning. Penalty for keeping open during the prohibited hours, or suffering gaming, or having any stranger there, without lawful excuse, any sum not exceeding 10*l.* 3 Wm. 4, c. 19, s. 23.

Blowing any horn, or using any other noisy instrument for the purpose of hawking, selling, or distributing any article, subjects the offender to immediate apprehension, and a penalty not exceeding 40*s.* s. 24.

Misconduct of Drivers.—If the driver of a carriage or vehicle of any kind ride thereon, or on any of the horses, not having some person to conduct the same, and not being conducted by reins; or if the driver, or any person riding, by misconduct cause any damage to any person or property, being upon the street or highway; or if the driver be at such a distance from his horses that he cannot have the control of them; or through misconduct interrupt any thoroughfare, and not moving on at the request of a constable, he shall forfeit not exceeding 40*s.*; and, where any damage has been committed, he shall make compensation not exceeding 5*l.* Offenders of this description may be apprehended without a warrant by any person who saw the offence committed. s. 25.

Drovers.—If any drover of cattle within the limits of the bills of mortality misconduct himself by the improper driving, ill-treatment, or management of cattle, he shall forfeit not exceeding 20*s.* nor less than

5s. A constable, on view of the offence, or on the information of any person who gives his name and address, may forthwith seize the offender. 21 Geo. 3, c. 67, s. 1.

If any person, not a drover, shall pelt with stones, or by other means hurt or drive away, or set any dog at cattle, without consent of the owner, he may be forthwith apprehended, and fined not exceeding 20s. nor less than 5s. s. 2.

Persons giving information of the offence not attending within six hours after before some justice, to forfeit not exceeding 40s. nor less than 10s. s. 3.

Corporation of London may make by-laws for the regulation of drovers, and annex penalties for the breach thereof, not exceeding 40s. nor less than 10s. But they have no power to *shorten* the time for keeping open Smithfield market; namely, from twelve o'clock at night to three o'clock in the afternoon. ss. 4, 5.

Stage-coaches, &c., on Sundays.—The court of aldermen within the city, or any two police justices without the city, are empowered, on the application of the minister or churchwardens of any church, chapel, or other place of public worship, to make rules for regulating the route and conduct of drivers of stage-carriages, cattle, sheep, or other animals, during the hours of divine service on Sunday, Christmas-day, Good Friday, or day of public fast or thanksgiving, and annex penalties not exceeding 40s., with costs, for the breach of such rules; but such

rules must be printed and affixed on the church or place of worship to which they refer, and in the most conspicuous places contiguous thereto. 3 Wm. 4, c. 19, s. 26.

Owners of licensed stage-carriages not liable to penalties for deviations from the line of route specified in their license, in consequence of the rules of the court of aldermen or police justices. s. 27.

Bullock-hunting.—If any person not employed to drive cattle, shall, within five miles of Temple-bar, pelt with stones, brickbats, or by any other means hunt or drive away, or set any dog at any ox, heifer, cow, or other cattle, he shall, on the first conviction, forfeit not exceeding 40*s*. nor less than 20*s*., and on every future conviction forfeit not exceeding 5*l*. nor less than 50*s*.; or, in default of payment, be committed to the house of correction to hard labour for two or five months. s. 28.

Bear-baiting and Cock-fighting.—If any person, within five miles of Temple-bar, keep or use, or act in the management of any place for the purpose of fighting or baiting of bears, cock-fighting, baiting or fighting of badgers, or other animals, he shall, on conviction before one justice, forfeit not exceeding 5*l*., or on default of payment, be imprisoned and kept to hard labour for not exceeding two months. s. 29.

River Thames.—Destroying or damaging any boat, or the sails, tackle, or furniture thereof, belonging to the Thames police, subjects to a penalty not exceeding 30*l*. s. 34.

No commander of a vessel lying in the Thames, and outward bound, shall receive on board more than 25 lbs. of gunpowder (except for H. M.'s service) before her arrival at or below *Blackwall*; and every commander entering the Thames shall put ashore at some powder-mill or licensed place before arrival at Blackwall, or in 24 hours, if the weather permit, after coming to anchor or to place of unloading, any larger quantity than 25 lbs., on pain of forfeiting the surplus found on board, with the barrels, and 2*s*. per pound. 12 Geo. 3, c. 61, ss. 8, 24.

Surveyor of the Thames police may, at any time between sunrise and sunset, enter any vessel (except H. M.'s ships) in the river, docks, or creeks, to search for unlawful quantities of gunpowder on board. 3 Wm. 4, c. 19, s. 36.*

If the master or commander of any vessel lying between Westminster-bridge and Blackwall, keep on board any gun shotted or loaded with ball, or suffer any gun to be fired on board between sunset and sunrise, he shall forfeit for every gun so kept 5*s*., and for every gun so fired 10*s*. s. 48.

Heating or melting on board any vessel or lighter between Westminster-bridge and Blackwall any

* It is important to all insurers against risk from fire, to observe the statutary regulations (see p. 222) against keeping unlawful quantities of gunpowder. At the great fire at the Custom-house the quantity of gunpowder kept there was such as precluded all legal claim to compensation from the insurance offices; actions were brought against all of them and failed.

pitch, tar, resin, grease, tallow, oil, or other combustible matter, subjects to a penalty not exceeding *5l. id.*

III. CITY OF LONDON.

The police of the city of London forms a distinct and independent establishment, separate from the rest of the metropolis. It consists of the general police of the city, under the superintendence of the lord mayor and court of aldermen, and paid by the chamber of London; and of the police of each ward, under the immediate control of the alderman, deputy, and common-councilmen of the respective wards, and paid by a rate upon each ward.

The act which principally regulates the nightly watch of the city is the 10 Geo. 2, c. 22, under which the corporation is yearly directed to make regulations on the subject, and the alderman and common-council in each ward are to carry these regulations into effect, and to make such minor regulations, as to details, as they may judge necessary. The act also specifies the duties of constables and watchmen, and prescribes punishments for neglect.

IV. CITY OF WESTMINSTER.

The public police offices exercise magisterial jurisdiction over this portion of the metropolis. Its parochial police and nightly watch have been almost entirely superseded by the government police, established under the 10 Geo. 4, c. 44. There remain the burgesses, consisting of twelve persons,

being merchants, artificers, or persons carrying on trade within the city, and who are nominated by the dean or high steward. Each burgess is obliged to serve, under a penalty of 10*l.*, and take upon himself the government of a ward. The dean or high steward, with the assistance of the burgesses, chooses twelve other persons, called assistant burgesses, to form the court called the Court of Burgesses. The statute (27 Eliz.) authorizes them to act as magistrates within the city and liberty; but that power has been absorbed by the public police offices, and the only magisterial functions they now exercise are the regulation of weights and measures, and the removal of nuisances and annoyances.

The act of Elizabeth empowers the high bailiff to summon a court-leet annually. That court returns the names of 160 tradespeople to the court of burgesses, and the court out of the number chooses 80 to act as constables. All persons carrying on trade are liable to perform this duty (except licensed victuallers), under a penalty of 10*l.* The constabulary duties, however, are mostly performed by deputy, upon a satisfactory excuse being rendered to the court of burgesses by the principal.

CHAP. VII.

PORTERAGE.

By 39 Geo. 3, c. 58, the charges for conveying parcels within London, Westminster, Southwark, and the suburbs thereof, and other places within half a mile from the end of the carriage pavement, brought by public stage-coaches, waggons, and carts, when under 56 lbs. weight, are the following: Not exceeding one quarter of a mile, 3*d.*; exceeding a quarter, and not half a mile, 4*d.*; exceeding half a mile, and not one mile, 6*d.*; exceeding one mile, but not one and a half, 8*d.*; and for any greater distance than one mile and a half, but not exceeding two miles, 10*d.*; and so in proportion, 3*d.* for every further distance, not exceeding half a mile.

Penalty for asking or taking more than these rates not less than 5*s.*, nor exceeding 20*s.* ss. 1, 2.

Tickets shall be made out at the in[redacted]and given to the porters, and by them delivered with the parcels; and any innkeeper not making out such tickets, to forfeit not exceeding 40*s.* nor less than 5*s.*; and porters not delivering, or defacing the same, to pay 40*s.* and for overcharging, 20*s.*

Parcels brought by coaches shall be delivered within six hours, on pain of paying not exceeding 20*s.* nor less than 10*s.*

Parcels brought by waggons shall be delivered within 24 hours, on a like penalty.

Parcels directed to be left till called for, shall be delivered to persons to whom the same shall be directed, on payment of the carriage, and 2*d.* warehouse-room, on the like penalty.

Parcels, if not sent for till the expiration of one week, 1*d.* more for warehouse-room may be charged.

Parcels not directed to be left till called for, shall be delivered, in like manner, on demand, under a like penalty.

Misbehaviour of porters may be punished by a magistrate by a fine not exceeding 20*s.* nor less than 5*s.*

Penalties half to the informer, half to the poor. s. 17.

CHAP. VIII.

ROYAL LONDON MILITIA.

The militia of the city of London is regulated by the 1 Geo. 4, c. 100, which empowers the commissioners of lieutenancy to arm and exercise the city militia once every year, and appoint the officers.

Officers to possess the same qualification in point of property* as is required for regulating the militia of England. The colonel, lieutenant-colonel, major, and captains to be freemen of the city, and every lieutenant and ensign to be a freeman or the son of a freeman. No person who has been a bankrupt, or taken the benefit of any insolvent act, or compounded with his creditors, and not paid 20*s.* in the pound, is eligible to be a commissioned officer in the London militia. ss. 1—5.

The number of private men to be 600, formed into one regiment, consisting of eight companies, besides a grenadier and light infantry company; the field officers to be a colonel, lieutenant-colonel, and major; and a captain, lieutenant, and ensign to each company, except to the grenadier and light infantry companies, to each of which shall be appointed two lieutenants, in lieu of a lieutenant and ensign. Appointments and removals to be inserted in the *London Gazette.* s. 6.

Acting without being qualified, or without having given a specific description of such qualification, or having been a bankrupt or insolvent, and not paid 20*s.* in the pound, subjects to a penalty of 100*l.* s. 7.

The regiment to be styled, *The Royal London Militia*, and the proportion of men to be fur-

* Namely, of a colonel, a real estate of the annual value of 1000*l.*; of a lieutenant-colonel of 600*l.*; of a major 400*l.*; of a captain 200*l.*; of a lieutenant 50*l.*; of an ensign 20*l.* 42 Geo. 3, c. 90, s. 6.

nished by the several wards and liberties to be as under:

	No. of Men.
Aldersgate Within	9
Aldersgate Without	10
Aldgate	30
Bassishaw	6
Billingsgate	21
Bishopsgate Within	22
Bishopsgate Without	25
Bread Street	12
Bridge	23
Broad Street	25
Candlewick	10
Castle Baynard	22
Cheap	22
Coleman Street	18
Cordwainer	11
Cornhill	18
Cripplegate Within	22
Cripplegate Without	18
Dowgate	14
Farringdon Within	42
Farringdon Without	96
Langbourne	34
Lime Street	10
Portsoken	23
Queenhithe	10
Tower	33
Vintry	11
Walbrook	13

The men are to be raised by bounty in their respective wards, and are sworn to serve in any part of Great Britain, for "the term of five years, or for

such further time as the militia shall remain imbodied." In case the men provided be not approved by the commissioners, fresh precepts are to be issued for others; or 15*l.* to be paid by the ward for each man deficient.

The expense of raising and maintaining the militia of each ward to be defrayed by an equal rate on the owner or occupier of any land, house, shop, or tenement within the ward; regard being had, in making the rate, to the rent and abilities of the owner or occupier. Persons aggrieved by the rate may appeal to the court of the lord mayor and aldermen, whose decision is final. Rates not paid on demand made in writing they may be levied by distress; but no distress can be made out of the city unless the warrant be backed by a magistrate of the county. The alderman, or his deputy, and the common-council to be the assessors of their respective wards, and to appoint collectors of the rate, allowing them not more than 3*d.* in the pound on the money collected. If the wards neglect to provide men, or pay 15*l.* for each man deficient, or to levy rates, the commissioners may levy and apply the rates.

If deserters or absentees be not taken in three months commissioners may provide substitutes out of the trophy tax. Deserters, when taken, compellable to serve as if no substitute had been provided.

Militia to be exercised 28 successive days annually at such time and place as the commissioners

may appoint. Notice of time and place of exercise to be affixed on church doors, and lists of the men enrolled, their names, and place of abode, to be transmitted to the colonel by the clerk of the commissioners. Colonel to report the state of the regiment to commissioners when called out to annual exercise, under a penalty of 100*l.*

To prevent the privileges of the city being infringed by the billeting of soldiers, it is provided that the militia, when imbodied, shall be allowed, in addition to their pay and in lieu of quarter, 1*s.* 9*d.* a week to each man to provide lodgings.

The lord mayor, or any three magistrates, may call out the permanent staff of the regiment for the suppression of riots and better preservation of the peace of the city. Militia to enjoy the same rights to and privileges in the Artillery Ground as the former militia.

For defraying the charges of the militia the commissioners may continue to raise, as heretofore, in every year, the proportion of one month's tax, amounting to 4666*l.* 13*s.* 4*d.*, which the city has been used to pay, by virtue of the 13 & 14 Car. 2, c. 3, but no warrant shall be issued for the raising of any trophy money till the accounts of the trophy money *last raised* have been examined and certified by the justices at some general or quarter sessions of the city. Accounts of the expenditure of the last raised trophy tax to be delivered to the corporation of London before any new assessment. Commissioners may build head-quarters and defray the expense

out of the trophy tax. They are also empowered to assess the stock and money in the hands of the executors of Edward Wigan and others to the same purpose. 1 Geo. 4, c. 100, ss. 7—50.

CHAP. IX.

SKINS, HIDES, AND LEATHER.

Persons flaying hides and skins in London, Westminster, Southwark, or within 15 miles of the Royal Exchange, are subject to the 48 Geo. 3, c. 71.

Seven butchers named in this act, and their successors, together with seven persons to be annually appointed by the butchers' company, seven by the curriers' company, and seven by the cordwainers' company, shall be commissioners for putting the act in execution, which commissioners are to be sworn to act impartially; and no act of theirs is to be valid unless at a meeting consisting of not less than five, the chairman of which is to have the casting vote, and vacancies are to be filled up in the first seven commissioners as they happen by a fresh nomination, by the surviving commissioners. ss. 3—19.

If the owner of any hide shall wilfully, negligently, or carelessly gash any hide or skin, he shall forfeit not exceeding 2*s*. 6*d*. nor less than 6*d*. for the raw hide or skin of every ox, bull, cow, heifer, steer,

stirk, or calf; not exceeding 1*s.* 6*d.* nor less than 6*d.* for every horse-hide; not exceeding 3*s.* nor less than 3*d.* for every hog or pig skin; and ½*d.* for every sheep or lamb skin; but the penalties are not to be inflicted for unavoidable damage. s. 20, 21.

All hides and calf-skins within five miles of the Royal Exchange shall be brought to Leadenhall market; and sheep and lamb skins either to Woods-close, to the Borough, or Whitechapel markets; to be inspected, on pain of not exceeding 5*l.* nor less than 2*s.* Places and hours of inspection are to be appointed for places beyond five miles from the Royal Exchange, but butchers at any place within 15 miles may bring their hides and skins to Leadenhall market,* or the other markets, on giving notice to the inspector of the district. ss. 22—24.

Eight inspectors are to be annually appointed for Leadenhall—four by the seven commissioners, before named, in conjunction with the seven nominees of the butchers' company, two by the seven curriers, and the other two by the seven cordwainers; two

* The extensive and wealthy body of dealers who trade in hides and leather, having found themselves inconvenienced for want of space and accommodation in the old mart for their wares at Leadenhall, and the authorities there refusing to make the improvements necessary for enabling them to transact their business properly, a great proportion of them came to a resolution to establish a new and more appropriate market-place. Consequently a site was selected in Weston-street, Southwark, more convenient to the tanneries of Bermondsey than Leadenhall is, and not much less so to the numerous but more scattered slaughtering establishments of the Metropolis.

inspectors are also to be appointed for Woods-close— one by the seven commissioners and seven butchers, and the other by the seven curriers and seven cordwainers; two are also to be appointed for the Borough, and two for the Whitechapel markets: and the commissioners have power to increase the number of inspectors, and make regulations for their attendance. ss. 25, 26.

Inspectors are to be sworn before the lord mayor or an alderman to act without favour, and they may take for inspecting the hide of every beast ½*d.*, the skin of every calf, hog, or pig, ¼*d.*, and for every score of sheep or lamb skins 3*d.*; but the commissioners may, if they see fit, increase the inspector's fees, not exceeding for beasts 1*d.*, calves, hogs, or pigs, ½*d.*, and for the skin of every sheep or lamb not exceeding ¼*d.* ss. 27, 28, 29.

Persons imitating the inspector's mark shall forfeit not exceeding 5*l.* s. 30.

Hours of the inspectors' attendance on the market days shall be at Leadenhall from six in the morning until five in the evening from 25th March to 29th September, and from seven till four from 30th September to 24th March, and at the other markets for such hours as the commissioners may appoint. s. 31.

Inspectors are to provide stamps for marking hides and skins near the tail with the letter S if sound, and D if damaged; and if the penalty or fee be not paid, the inspector may seize the hide and sell it, unless notice be given to appeal to two arbi-

trators, who are to be appointed by the commissioners on the first Monday in June in every year, whose decision is to be final; and the party against whom such appeal shall be determined, shall pay not exceeding *5s.* nor less than *2s. 6d.*; and, if the arbitrators differ, they are to call in a third person, and the decision of such arbitrators and third person, or two of them, shall be conclusive, and the arbitrators are to attend on market days from the hour of one till the close of the market. Arbitrators may also be appointed for the sheep-skin markets if found necessary. ss. 31, 35, 36.

The market fees and fines received by the treasurers shall be applied in payment of the expenses of carrying the act into execution; and the commissioners may direct such rewards as they think fit to be paid to working butchers for taking off hides and *skins whole:* and the surplus of the monies received by the treasurer shall be paid as follows: ¼th to the butchers' company, ¼th to the curriers, ¼th to the cordwainers, to be applied to the use of the poor of the companies; and ¼th to the first-mentioned commissioners, to be applied to the use of the poor of the butchers who are not free of the company. s. 42.

Persons impeding inspectors, are to be liable to not exceeding *5l.* nor less than *10s.*; inspectors taking and persons offering bribes, are to forfeit not exceeding *20s.* Salesmen are to give an account to their employers of fines imposed, on pain of *5l.*; and workmen or servants gashing hides or skins are

liable to repay one half of the fines to their principal. ss. 43, 46.

Sellers of unstamped hides or skins within 5 miles of the Royal Exchange, and persons buying such, except in a public market, are to forfeit not exceeding 20*s.* nor less than 5*s.* for every hide; not exceeding 5*s.* nor less than 1*s.* for every calf, hog, or pig skin; and not exceeding 1*s.* nor less than 6*d.* for every sheep or lamb skin. s. 48.

The penalties may be recovered before one justice, and levied by distress; and for want thereof offender to be committed for not exceeding one month: but an appeal is allowed to the sessions, and every information must be laid within seven days.

CHAP. X.

STREET NUISANCES, PAVEMENTS, AND SEWERS.

The most important act on these subjects, is that called Michael Angelo Taylor's act, the 57 Geo. 3, c. 29, which includes within its jurisdiction all the streets paved or to be paved within London, Westminster, Southwark, and all other places within the bills of mortality, and the parishes of St. Pancras, St. Mary-le-bone, and St. Luke.*

* The metropolis comprehends within its limits 152 parishes. Of this number 97 are within the boundary of the ancient walls

By the act mentioned surveyors of pavements are to be appointed by the commissioners or trustees of pavements in each parish, and their names and residence to be inscribed on boards conspicuously placed; penalty for damaging such boards 30*s*. or not less than 15*s*.

Housekeepers may give notice to the surveyor of defective state of pavement, and require the reparation thereof, if the expense do not exceed 2*l*. to be repaired within three days; if it exceed 2*l*. but less than 10*l*. to be repaired within seven days; if it exceed 10*l*. and less than 50*l*. to be repaired within 28 days, and if more than 50*l*. within six weeks. Justices on neglect may summon surveyor and order repairs.

Gas and water companies, and commissioners of sewers, not to break up pavement without first giving notice to the surveyor, except for repairs, &c., on penalty of 40*s*. for every square foot broke up. Bars and watchmen, and other securities, to be employed during repairs to prevent accidents. Penalty for neglect, after notice given, 5*l*.

Taking up, altering, or wilfully damaging any pavement without consent of the surveyor, penalty

of the city of London, 16 parishes are without the walls, but under the jurisdiction of the city; 24 are termed the out-parishes in Middlesex and Surrey; 10 parishes are within the city and liberties of Westminster: these comprise the parishes within the bills of mortality; and the remaining 5 parishes, usually included in the limits of the metropolis, are Pancras, Mary-le-bone, Kensington, Paddington, and St. Luke, Chelsea.

from 5*l.* to 10*l.* And for every square foot exceeding one foot so taken up, the further penalty of 5*l.* to 10*l.*

Owner not paving after notice, the same may be done by the parish; the expense to be defrayed by the owner. On refusal, double the charge may be recovered.

Posts and guard-rails to be erected for the prevention of accidents. Persons wilfully injuring or damaging them, penalty from 2*l.* to 10*l.*

Scavengers neglecting to carry away dirt, or to give proper notice by bell or otherwise, to pay 40*s.*

Neglecting to remove *building rubbish* within twelve hours after being placed on the pavement, 5*l.*

Preventing the scavenger removing any other rubbish, soil, ashes, cinders, &c., from any house, yard, &c., 5*l.*

Any person, except the scavenger or those employed by him, who shall go about to collect, ask for, or receive dust, cinders, or ashes, penalty for first offence 10*l.*, for second 15*l.*, for every subsequent offence 20*l.*

Persons sweeping slop or slush into any common sewer, or upon any sewer grate, 5*l.*

Occupiers omitting to sweep the footway before their houses, during frost and snow, every day except Sunday, before ten o'clock in the morning, to forfeit 10*s.*

Nuisances.—Any person beating or dusting carpets, in any public street or place; or riding or driving any horse, carriage, &c., for the purpose of

breaking, exercising, airing, or exposing for sale; or throwing or laying ashes, rubbish, offal, dung, soil, blood, or other filth or annoyance upon the carriage or foot way; or killing, scalding, or cutting up any beast, swine, or other cattle, in or near any street or public place, so that blood shall run upon the pavement; or taking or placing upon the footway any carriage, waggon, wheel, truck, handbarrow, hogshead, cask, or barrel, or wilfully leading or driving any horse or other beast upon the footway. Penalty from 2*l.* to 5*l.*

Persons placing any stall-board, chopping-block, show-board, basket, wares, merchandise, casks, or *goods of any kind*; or hooping, washing, or cleansing any pipe, barrel, cask, or vessel, either upon the carriage-way or footway; or setting out any coach, cart, carriage, wheelbarrow, handbarrow, or truck, upon the *carriage-way* (except hackney-coaches, carts, &c., for the purpose of loading and unloading); or setting or placing upon either of the pavements any timber, stones, bricks, lime, or other materials, unless properly enclosed by license from the surveyor; or hanging out or exposing any meat or offal, or any other matter or thing whatsoever, over any part of either the carriage or foot way, or over any area of any house or building; or placing or putting out any garden or other pot (except the same shall be secured from falling, to the satisfaction of the surveyor), or any other matter or thing from and on the outside of any house or building, over or near unto any public street or place, and

not immediately removing the same when required by the surveyor; or replacing after such requisition and removal the same or any other stall, show-board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, truck, carriage, timber, stones, or other matter or thing. Penalty for first offence 2*l.*, for every subsequent offence 5*l.*

Any of the above objects creating the nuisance may be seized without warrant, by persons appointed to look after them.

Not removing, within seven days after notice or complaint by any inhabitant, any hog-sty, privy, slaughter-house, or other nuisance, to forfeit 10*l.*

Keeping or suffering swine to stray about the streets, subjects the swine to forfeiture, and owner to penalty of 2*l.*

Sifting, skreening, or slacking lime without consent of the surveyor, or without an enclosure previously erected by license; or leaving open or unguarded, or refusing or neglecting to repair any area-rails, coal-hole, trap-door, or cellar-flap; or leaving open six hours after notice, any hole excavated for vaults, areas, foundation of buildings, or other purpose; or refusing after notice to remove any sign, spout, gutter, shed, or other projection. Penalty from 2*l.* to 5*l.*

Holes and other dangerous places may be repaired by the surveyor, the expense to be defrayed by the owner or occupier. On refusal, double the expense certified to be levied with the penalties.

Removal of Nightsoil, &c.—Persons carrying

soap-lees, nightsoil, ammoniacal liquor, slop, &c., channel mire, &c., in any other than in covered carriages; or carrying them through any public street between the hours of six in the morning and eight at night; or over-filling any carriage so as to cast a portion into the street; or beginning to empty any bog-house and take away nightsoil, except between twelve at night and five in the morning from Lady-day to Michaelmas, and between twelve at night and six in the morning between Michaelmas and Lady-day, or casting out the nightsoil; the offender in either of the two last cases may be lawfully seized by any person and carried before a magistrate. Penalty for these several offences 5*l.*

Erecting Hoards.—Persons erecting any hoard, scaffolding bars, or other thing by way of enclosure, without license; or continuing the same for longer period than expressed in such license, for every day, 10*s.*

Persons wilfully obliterating or defacing the name of any street, or the number upon any house, 2*l.* Occupier refusing to return the number within three days after notice, for every day's neglect, from 10*s.* to 1*l.*

Watering of Streets.—A special rate may be raised for watering the streets, and pumps may be erected and wells sunk, and carts employed for that purpose. But a rate cannot be levied for watering the streets until three-fourths of the inhabitants have signified their consent in writing.

Courts, alleys, and passages, chiefly the receptacles of filth and nuisances may be stopped up with

the approbation of two justices and consent of owners of the contiguous property.

Commissioners and trustees of pavement may widen streets, remove houses, borrow money on annuities, make by-laws, and sue in the name of their clerk.

Persons obstructing a surveyor in the discharge of his duty forfeit, for the first offence, 5*l.*; for the second, 10*l.*; and for every subsequent offence, 20*l.*

Penalties under this act recoverable before one justice, and may be assessed under his direction, not exceeding one-half to the informer, the other to the trust.

The pavement round Westminster Abbey and Dean's Yard not liable to the operation of this act

Carts and Drays.—By 1 Geo. 1, st. 2, c. 57, no carter, drayman, carman, waggoner, or other person, shall, within the bills of mortality, ride on his vehicle, not having some person on foot to guide the same, on penalty of 10*s.*; or in default of payment be sent to the house of correction for three days. By 24 Geo. 2, c. 43, the penalty on a carter for riding within the bills of mortality is extended to within 10 miles thereof. By 30 Geo. 2, c. 28, empty carts obstructing the streets or highways, except while they are loading, forfeit a sum not exceeding 20*s*.

Sewers.—For the draining and carrying off surface water and land springs, numerous large sewers, with lateral drains, are constructed beneath the streets; and for the formation, reparation, and cleansing of them, the commissioners of sewers are

vested with high powers by different legislative enactments. By 18 Geo. 3, c. 66, persons interfering with the powers of the commissioners by unstopping any sewer or drain stopped by them, are subject to a penalty of 20*l.* Private drains must be repaired when necessary, at the expense of the owners or occupiers of the buildings to which they belong. Neglect, after three days' notice from the commissioners, subjects the party to a penalty not exceeding 20*l.*

Water and Gas Companies.—Notice must be given to the gas and water companies of the persons appointed surveyors of pavements in the several parishes. Upon a notice to the surveyor the companies may break up the soil and pavement of the streets, for the purpose of laying down pipes, provided it be done in a workmanlike manner. They are obliged to remove pipes from private houses, when tenants quit, if required. When gas is found to escape from pipes laid down by gas companies, they are obliged immediately to repair the defect, at their own expense, and are liable to a penalty of 5*l.* a day. for every day suffered to elapse, after receiving notice. They must remove nuisances on receiving notice, within three days, under penalty of 5*l.* a-day. Pipes, &c. cannot be laid down on private property, without permission.

Most of the water companies have, also, in addition to the power of cutting off the supply of water, authority to distrain for rates in arrear in the same manner as landlords for their rent.

II. CITY OF LONDON.

The local acts noticed in the preceding section apply generally to the whole of the metropolis; in this and the two following sections we shall bring together those statutes, the jurisdiction of which is limited either to the city of London, the city of Westminster, or the borough of Southwark.

By 11 Geo. 3, c. 29, the corporation of the city may appoint commissioners of sewers and pavements, whereof the recorder and common-sergeant shall be two, and not less than seven to act; they may employ non-freemen and give other directions. The rates levied by commissioners not to exceed 1*s*. 6*d*. in the pound. Freemen not paying their rates disqualified from voting at elections.

No person without license of the commissioners to alter the form of the streets, squares, yards, courts, and passages, or in any way encroach thereupon, or break up the pavement. Penalty 5*l*. over and above the expense of restoration. 33 Geo. 3, c. 75.

Driver of carts and carriages (except in cases of horses going abreast and single-horse carts with reins) shall hold in his hand a rope or strap to lead the shaft horse. Penalty for the first offence 5*s*.; for the second 10*s*.; and for every subsequent offence 20*s*. s. 11.

Drivers of waggons or carts with two or more horses, or other beasts of draught, riding on either of such horses, to forfeit 10*s*. for the first offence, 20*s*. for the second, and 40*s*. for every other offence, or be committed to one of the Compters or Bride-

well, for not exceeding twenty nor less than seven days. s. 20.

Persons neglecting to attend the summons of commissioner, to forfeit 20*s.*; and witnesses neglecting or refusing to appear, or appearing refusing to give evidence, to forfeit 20*s.* s. 22.

By 4 Geo. 4, c. 114, instead of a rate ascertained by the land-tax assessment, the alderman, deputy, and common-council of each ward, may levy for lighting, cleansing, and paving, an equal pound-rate not exceeding in one year 1*s.* 6*d.*

Where houses are let out in apartments, the lodgers to be deemed the occupiers and liable to the rate which they may deduct from their rent. Where the rent shall amount to less than 20*l.* yearly, or be payable at any shorter period than quarterly the ward may compound with the owner or occupier, so as not to be rated at less than two-thirds, or more than four-fifths of the rack-rent. The owners or occupiers of markets liable to the same rates as the lessees.

Inspectors to reside within the districts for which they are appointed, and have their names and office painted in conspicuous characters on the door of their dwellings. Penalty 5*l.*

Commissioners are required to pave any new street, court, passage, yard, or alley, on one-third of the estimated expense being paid by the owners.

No pavement in the carriage or foot ways in Aldgate High-street (between Whitechapel-bars and Leadenhall-street), Leadenhall-street, Cornhill, Man-

sion-house-street, the Poultry, Cheapside, St. Paul's Churchyard, Ludgate-street, Ludgate-hill, Fleet-street, Gracechurch-street, Fish-street-hill, London-bridge, Queen-street (Cheapside), Bridge-street (Blackfriars), Upper and Lower Thames-street, Lombard-street, the Old Bailey, Barbican, and Long-lane shall be broken up, or laid down, or repaired, except between the hours of six o'clock in the evening and eight o'clock in the morning: and no more of the pavement to be taken up than can be laid down before eight o'clock, so that passengers, horses, and carriages may pass without inconvenience or interruption. Penalty on any pavior or other person not more than 20*l*. The commissioners may authorize persons to keep the pavement open beyond eight in the morning. The gas companies are subjected to the same provisions as the water companies in disturbing the pavement.

The *nuisances* prohibited under this act are similar to those under 57 Geo. 3, c. 29.

Nightly Watch Rate.—By 10 Geo. 2, c. 22, the watch rate in the city is to be collected by the constable or beadle appointed by the ward. Collector refusing to collect the rate subject to a penalty of 10*l*. Persons not paying the watch rate, it may be levied by distress, and they are incapacitated from voting at elections in the same way as persons who do not pay scot and lot. The rates to be paid into the hands of the deputy, so that the collector never may have a greater sum than 5*l*. in his hand at one time.

The lord mayor, or any two or more justices of the city, may try all offences under this act. One half the penalties to go to the informer and the other half towards defraying the expenses of the watch. ss. 12—15.

Jurors.—By the Jury Act every man in England, between 21 and 60 years of age, having a yearly income of 10*l.* from freehold or copyhold estate, or being a leaseholder of 20*l.* a year, or a householder assessed to the poor-rate or inhabited house duty on a value of 20*l.* (in Middlesex 30*l.*), or occupier of any house containing not less than 15 windows is qualified to serve on juries; unless specially exempt, as a peer, counsellor, attorney, clergyman, surgeon, apothecary, customs, excise, or sheriff's officer, parish clerk, or officer on full pay in the army or navy. Provided that no person shall be returned by the sheriff of the city of London as a juror to try any issue in the courts of record at Westminster, or to serve on any jury at the sessions of oyer and terminer, or gaol delivery, or sessions of the peace of the said city, who is not a householder, or occupier of a shop, warehouse, countinghouse, or office for the purpose of trade or commerce within the city, and have real or personal estate of the value of 100*l.* 6 Geo. 4, c. 50, ss. 1, 2, 50.

Persons summoned on juries in the city, not attending, may be fined by the court. Six days are allowed between summons and appearance in London and Middlesex.

Every person described in the jurors' book as an

esquire or person of higher degree, or as a banker or merchant, is qualified to serve on a special jury. s. 31. No special juror allowed to receive exceeding one guinea for his service, unless in cases where a view has been directed. s. 35.

Parliamentary Elections.—By the Reform Act the returning officer for the city is required, on or before the last day of *July* in each year, to issue his precept to the clerks of the livery companies, requiring them to make out an alphabetical list of the freemen of London being liverymen, entitled to vote for members of parliament; every such clerk to sign his list, and transmit it, with two printed copies thereof, to the returning officer, who shall forthwith fix one such copy in the Guildhall and one in the Royal Exchange, there to remain 14 days; and the clerks of the companies shall also keep a sufficient number of lists of the liverymen of their respective companies, to be perused without payment of any fee, by any person, at all seasonable hours during the first two weeks after such lists have been printed. Liverymen omitted in the list, and claiming to vote on the last day of July preceding, must give notice in writing on or before 25th of August to the clerk of the company and the returning officer; and the returning officer shall prepare a list of the names so omitted, to be fixed in the Guildhall and Royal Exchange on the two Mondays next preceding the 15th September; and the returning officer and clerks of the companies shall keep lists of names so omitted for the perusal of any person, at seasonable hours,

without fee, during the ten days preceding the 15th of September. Persons objecting to any other person as not being entitled to have his name on the livery list must give notice in writing to the person objected to on or before the 25th of August. The poll of liverymen to be taken at Guildhall. Returning officer or other person contravening or disobeying any provision required of them to be done under the Reform Act are liable to a penalty of 500*l.* 2 Wm. 4, c. 45, ss. 48, 70.

The provisions relative to elections in cities and boroughs, who claim the right of voting as *occupiers*, have been before adverted to, p. 81.

Aldermen and Common-councilmen.—By 11 Geo. 1, c. 18, the election of aldermen and common-councilmen shall be by freemen paying 30*s.* a year scot and lot, and paying 10*l.* per annum rent, and partners in trade, or two inhabiting one house, may vote, each paying 10*l.* per annum rent. Persons exempted from scot and lot, by act of parliament, charter, or privilege, may vote. Complainants about assessments may appeal to the mayor and aldermen. But none to vote who have not been upon the livery twelve months; nor if they have received back their livery fines, or been excused paying the rates and taxes within two years.

III. CITY OF WESTMINSTER.

By 2 Geo. 3, c. 21, for paving, lighting, and cleansing, within the city and liberty of Westmin-

ster, the parish of St. Giles in the fields, St. George, Bloomsbury, St. Andrew, Holborn, in the county of Middlesex, the liberties of the Rolls and the Savoy, and that part of the duchy of Lancaster which lies in the county of Middlesex, certain commissioners were appointed, to have 300*l.* per annum, or 10,000*l.* qualification; and acting without, 100*l.* penalty: they are to appoint clerks, treasurers, receivers, surveyors, and other officers, who receiving any fees but their salaries, or being concerned in any contract, are disqualified, and forfeit 100*l.*

Three commissioners may order the squares, streets, or lanes, being thoroughfares, to be paved, altered, cleansed, and lighted; and five may contract for so doing, giving fourteen days' notice for proposals.

The property of all materials vested in the commissioners, and persons wilfully damaging the same, forfeit, for the first offence, not more than 40*s.* nor less than 10*s.*, and for every other offence, not more than 3*l.* nor less than 20*s.*, or on non-payment imprisonment for not more than two months, nor less than ten days.

Pavements taken up by the water companies, or the commissioners of sewers, are to be relaid at their expense.

The streets are not to be altered without the consent of five commissioners, on pain of 5*l.*

A rate, not exceeding 1*s.* 6*d.* in the pound, shall be made on all houses, by five or more commissioners, half yearly, or oftener, for defraying the expense of paving, lighting, and cleansing; to be ascertained by

the poor-rates, for which purpose the commissioners may inspect parish books. Houses let in tenements are chargeable, and the rates to be paid by the owners, and levied on the occupiers.

Regent's Park Market.—By 11 Geo. 4, c. 14, the market for the sale of hay and straw held in the Haymarket is directed to be removed, and enacts a penalty not exceeding 10*l.* against any one who shall expose hay or straw for sale therein, except on their own premises, after the *Gazette* has announced the opening of the market to be held in certain places in the parish of St. Pancras, to be called the "Regent's Park Market," for the sale of hay, straw, corn, grain, and hops, and other agricultural produce in bulk; meat, fish, poultry, eggs, and other articles of animal food; fruit, vegetables, flowers, plants, and other articles of vegetable produce: such market to be under the control and subject to the regulations of the Commissioners of Woods and Forests.

A public weighing-house to be erected in the market; sellers refusing to weigh, or buyers to pay the toll for weighing, penalty not exceeding 10*s.* Penalty for exposing articles to sale liable to toll within the precincts of the Regent's Park estate not exceeding 40*s.* Selling cattle or goods by auction within 100 yards of the market, penalty not exceeding 40*s.* Inspectors may destroy unwholesome provisions exposed to sale, and fine the offender 5*l.* s. 14.

The 2 & 3 Wm. 4, c. 56, extends the powers and enlarges the district of the commissioners for regulat-

ing Regent's Park, Regent-street, and other streets and places in Westminster. For sake of uniformity the commissioners may clean and colour the outside stucco and stonework of the street from Pall Mall to Portland-place, and of Carlton Palace and gardens. Such power not to be exercised except on the requisition in writing of two-thirds of the inhabitants of any street; and in Regent-street, of two-thirds of the householders of the particular division forming an architectural plan, the outside stucco or stonework of which particular division it shall be proposed to clean and colour. Rates to be made for such cleansing and colouring on the houses, buildings, and walls coloured or cleaned. Lessee, &c. not to colour outside of houses after commissioners have done so, on penalty of 10*l*. On notice, any board put above the ground-floor to be removed, under the penalty of not less than 40*s*. nor exceeding 5*l*. ss. 29—34.

The remaining clauses of the act principally refer to the paving, sewer's assessment, and collection of rates in the district under the superintendence of the commissioners.

Juries.—The inhabitants of Westminster are exempted from serving on any jury at the sessions of the peace for the county of Middlesex. 6 Geo. 4, c. 50, s. 48.

IV. BOROUGH OF SOUTHWARK.

The 28 Geo. 2, c. 9, prohibits any market to be held, or stalls erected, or coaches to ply or stand in

the High-street. The 28 Geo. 2, c. 23, allows a market to the inhabitants of St. Saviour's in a place called the triangle.

Paving, Lighting, and Watching.—By 6 Geo. 3, c. 24, the borough is divided into an east and west division, and commissioners appointed qualified in real property to the amount of 50*l.* per annum, or personal property to the amount of 1000*l.*; penalty for acting without such qualification 50*l.* Members of parliament for the county and borough, the treasurers of St. Thomas's and Guy's Hospitals, the bailiff of the Borough, and the comptroller of the Bridge fund, to be among the commissioners. The commissioners may fill up vacancies in their own body; but no commissioner to act while holding any office or contract under the execution of the act.

Officer taking any reward, or being interested in any bargain made by the commissioners disqualified from being employed, and to forfeit 100*l.*

Commissioners may direct streets, lanes, courts, and passages to be repaved, improved, cleansed, lighted, and watched. They may appoint such number of watchmen, beadles, and other officers, as they think necessary, and draw up regulations for the proper execution of their office.

Watchmen, beadles, and other officers, neglecting their duty, to forfeit 20*s.*

Persons damaging or extinguishing the lamps may be apprehended without warrant. Penalty 10*s.*, or three months imprisonment in the house of correction.

Obstructing the streets by carriages, timber, or other materials, penalty 40*s.* with costs.

Commissioners may direct streets to be watered and wells dug in proper places. Names of streets to be affixed on corner houses. Signs to be affixed on the front of houses; and sign-irons, boards, spouts, or steps, causing obstruction, removed.

Rates may be levied twice or oftener in each year, provided they do not exceed 2*s.* in the pound. But rates on wharfs not to exceed one-half the rates on houses, warehouses, shops, cellars, and other tenements.

Commissioners may cleanse, watch, and light any street or place, on the application of two-thirds of the inhabitants.

CHAP. XI.

TITHES OF THE LONDON CLERGY.

The situation of the clergy of the city of London is different from that of the clergy in other parts of the kingdom. In the reign of Hen. 8, continual altercations took place between the citizens and the clergy, relative to tithes and ecclesiastical dues. To put an end to these disputes, the 37 Hen. 8, c. 12, established a commission, at the head of which was the archbishop, with full power to give to their decrees the force of law, *if they were enrolled* in the Court of Chancery before the 1st of March, 1545. By a decree of this commission, the tithe of houses and buildings is directed to be paid quarterly, after the rate of 2*s.* 9*d.* for every 20*s.*

yearly rent, and 2*d*. for each of the family, for the four yearly offerings. Great disputes, however, have risen between the citizens and tithe-holders, respecting the validity of this decree; for it appears, on the authority of Tomlin and Raithby, that it never was enrolled according to the obligation of the act, which, consequently, negatives the claim of the clergy to 2*s*. 9*d*. in the pound on the rental.

By the 22 & 23 Car. 2, c. 15, the tithes of all the parishes injured in the great fire in 1666, are valued at certain yearly sums, to be levied by an equal rate, quarterly; and, on non-payment, the lord mayor is to grant a warrant of distress for the same; or, on his refusal, the lord chancellor, or two barons of the Exchequer, may grant such warrant: but the warden and minor canons of St. Paul's, the parson and proprietors of St. Gregory, are to enjoy their tithes as formerly.

By the 44 Geo. 3, c. 89, the annual composition for tithes in the parishes damaged by the fire is augmented and settled at certain fixed sums, from 200*l*. to between 300*l*. and 400*l*. per annum.

By this act, power to make assessments on houses and other buildings before the 21st of August, 1804, is granted to the alderman, common-council, and churchwardens, in each ward, with right of appeal to the lord mayor and court of aldermen. Assessments may be altered every seven years.

From this statement, the established clergy of London appear divided into two classes. *First*, the clergy of the fifty-one parishes damaged by the

great fire have a fixed annual stipend, leviable by an equal pound-rate on the parishioners, and the amount of which stipend and the mode of assessment of which are now regulated by the 44 Geo. 3, c. 89. *Secondly*, the rest of the clergy claim 2*s*. 9*d*. in the pound on the rental, under the authority of a decree made pursuant to the 37 Hen. 8, c. 12; or, if this decree be disallowed, they claim their ancient tithe, or what other revenue they were entitled to prior to the passing of the act of Henry 8.

After much litigation, a conclusive decision has been come to relative to the enrolment of the decree; and it has been held on appeal, that, from the decree having frequently been treated by the courts as a binding instrument, and tithes having been paid by the citizens for nearly three hundred years according to its direction, the court was warranted in presuming it to have been enrolled.—Extracted from *The Cabinet Lawyer*, 8*th edition*.

CHAP. XII.

WATERMEN AND LIGHTERMEN.

The watermen and lightermen of the river Thames between Yantlet Creek and Windsor, are regulated by the 7 & 8 Geo. , c. 75, and the by-la ws of the Watermen's Company.

The name and place of abode of the owner of any

craft for the conveyance of goods, and also the name of such craft, to be registered by the clerk, who shall give a number for the same, and for which 1*s.* shall be paid, for the use of the company, for the wherry, lighter, &c. The name and number of the craft are to be painted white, on a black ground, in capital letters and figures, the figures not to be less than six inches long, and broad in proportion, and the letters not less than four inches long, and broad in proportion, or the owner to forfeit, for every offence, not exceeding 40*s.* Persons not residing within the limits of this act, and who keep any craft for the conveyance of goods, within the limits, are liable to the same regulations, or forfeit, for every offence, not exceeding 5*l.*

Every person who lets out any boat for hire, shall cause his name and abode to be registered, for which he shall pay, for every boat, 2*s.* 6*d.*; and shall also cause the number of such boat to be painted in figures of not less than two inches in length, and broad in proportion, and be kept legible, or forfeit, for every offence, not exceeding 40*s.*

The court of the Company of Watermen may appoint a number of watermen to ply on Sundays, at any place at and between Chelsea and Bow Creek; and the fare taken to be twopence for every person conveyed across the river.

No ferry to be appointed within two hundred yards of Vauxhall-bridge.

No person (except appointed) to ply or take on a Sunday, from any place below London-bridge, ap-

pointed as a Sunday ferry, nor to carry a passenger to either of the two plying-places, on the opposite side, next above or below the place so appointed, nor to carry a passenger usually conveyed by the ferryman, nor to any ship or craft lying within the distance of the two other plying-places, on pain of forfeiting, for every offence, not exceeding 40*s.*

The court to erect and maintain a bell at Billingsgate, and a bell at Gravesend; and to cause the bell at Billingsgate to be rung at high water, and the bell at Gravesend to be rung at the first flood.

If the court neglect to erect or maintain the bells, or appoint officers to ring the same, they shall forfeit 50*l.* The officers to ring the bells for the space of fifteen minutes, or forfeit, for each neglect, not exceeding 40*s.*

If, after the ringing of the bell, any boat should not immediately proceed, without lying by in the river, or putting again on shore (within two miles of the place of starting) to receive any passengers or goods; or if such boat should not be provided with two sufficient men, besides apprentices, during the whole of the passage, the owner, or manager, to forfeit not exceeding 5*l.*

If a waterman should wilfully or negligently lose the tide, by putting on shore to receive passengers or goods, or by loitering on the passage; or if the passengers be put short of the place of destination, (sailing vessels detained by the want of wind excepted,) they shall be discharged from the *payment of their passage-money*, and the waterman to forfeit,

for every offence, not exceeding 40*s.*, and be liable to be prosecuted by the injured party.

The court of aldermen to fix the fares that may be taken for the conveyance of passengers, and to cause a list to be laid before the privy-council, who may confirm or reject the same.

Every waterman who shall demand and take for his fare more than is allowed, to forfeit, for every offence, not exceeding 40*s.*

The court of aldermen to cause a list of fares (within thirty days after the same have been allowed) to be advertised in the London Gazette, and two London newspapers, and copies to be sent to all the public offices of justice in Middlesex and Surrey.

The court of the company to cause a list of fares to be painted on boards, and affixed at or near such plying-places as the court of aldermen may direct, and to cause posts (half a mile distant from each other) to be placed on the banks of the Thames, between Chelsea-bridge and Teddington-lock, and between Greenwich-hospital stairs and Woolwich, and at any other place which may be directed, with the letters or figures thereon denoting the distance. If the court neglect to set up any such board or post, or should not within fourteen days after notice left with the clerk, that a board or post has been destroyed or removed, renew or repair the same, they shall forfeit, for every offence, the sum of 25*l.*, the whole of which to go to the person who shall inform or sue for the same. If any person wilfully break or damage any post or board, or deface any part

thereof, he shall be liable to be punished for a misdemeanor, and the court is to pay 20*l.* to the person who shall inform of the same, and all expenses attending the prosecution.

A list of the fares, and the by-laws of the company relating to the conduct of watermen are to be printed, and a copy to be given, gratis, to every freeman, upon payment of his quarterage, as also a dozen copies upon the payment of one shilling. Every waterman to have a copy in his boat, and if he should refuse to produce the same, or produce a false copy, or should not permit the same to be examined, then the passenger to be discharged from *paying his fare*, and the waterman to pay, for every offence, not exceeding 5*l.*

If any waterman should be at any plying-place, and wilfully avoid, or attempt to avoid, any person coming to, or being at the plying-place, for the purpose of taking a boat, or if he should omit to take such person, or should represent that he is hired when he is not hired, or should not answer when called by the number of his boat, he is to forfeit, for every offence, not exceeding 5*l.*

If any waterman shall ply a passenger, and afterwards refuse to take him to the place directed, or shall delay him by not bringing up his boat, or shall not proceed, with due diligence and exertion, to the place directed, he is to forfeit, for every offence, not exceeding 5*l.*

If any person whatever should hinder another person from reading the name and number painted

on a boat or vessel; or if any waterman should refuse to tell his Christian or surname, or the number of his boat; or should give a false name or number; or make use of *scurrilous or abusive language*, he is to forfeit, for every offence, not exceeding *5l.*

If any person should offend against any rule or by-law, the lord mayor, or any justice within his jurisdiction, upon complaint being made within thirty days after the offence, shall cause the offender to be summoned to appear; and, if he neglect to appear, a warrant shall be granted for his apprehension. No officer to apprehend a waterman out of any boat or craft which he may be rowing or navigating, nor until the boat, &c. be safely moored, unless there be sufficient hands on board to manage the same.

If any person should refuse to pay a waterman his just fare, the lord mayor or justice is to summon the offender, and if he should neglect to appear, a warrant is to be issued for his apprehension. If such offender refuse to give his name or abode, or give a false name or abode, to prevent being summoned, he shall forfeit any sum not exceeding *5l.*, and may be proceeded with, not only for the sum due; together with all expenses, but also for the payment of the penalty. Any person refusing to attend as a witness, either for plaintiff or defendant (reasonable costs having been previously tendered), he shall forfeit not exceeding 40*s.*

In all cases in which a penalty is imposed, the lord mayor, justice, or the court of the company,

may determine the matter of the complaint, and proceed to recover the same. All penalties to be paid into Waterman's Hall, one half of which are to be applied towards the payment of the expense of erecting and maintaining the boards, posts, &c., and the payment of rewards; and the other half to be distributed to the poor decayed freemen, and the widows of freemen, 7 & 8 Geo. 4, c. 75.

STEAM-BOATS.—Watermen to take regular turn in receiving or taking passengers or goods from steam-boats, and only two boats to be placed aboard any steam-boat at the same time in turn. Passenger may employ any waterman he may prefer, such waterman taking his regular turn.

Steam-boats and other passage boats to be under way and proceed on their passage within 15 minutes after the time fixed for their departure.

No steam-boat or vessel to navigate between London-bridge and Limehouse reach at greater speed than the rate of *five miles* an hour.

Penalty for each offence not exceeding *5l. By-laws*, ss. 40, 41, 42.

APPENDIX.

CUSTOMS AND PRIVILEGES

OF THE

CITY OF LONDON.

FREEMEN.

THE freedom of the city is obtained: 1. By birth, as being a freeman's son; 2. By serving an apprenticeship; 3. By fine and ransom; 4. By grant as an act of grace and favour, as when the freedom of the city is presented by a vote of the court of common-council to foreigners of distinction, or to individuals distinguished by eminent public services.

Remarks.—The freedom of the city is also obtained by the purchase of a presentation. It is about a century since that the corporation began *to sell* presentations to the freedom of the city to augment their pecuniary resources. Afterwards the lord mayor and court of aldermen gave such presentations to officers of the corporation, partly as gratuities, partly as salaries. The lord mayor has three, the lady mayoress one. The presentations are sold, and in fact are considered as so many grants of money. The price has varied from 300*l.* to 200*l.* or 100*l.* The price of a presentation at present is 25*l.* and 2*l.* 18*s.* for a redemption fee. When the presentation is signed it passes the court of aldermen as a matter of course, unless some objection be made; as that the party presented is not a Christian, or that he is an alien, or the son of an alien, or a menial servant.

A freeman is exempt from impressment for the sea service and from the ballot for the local militia. He is exempt from the expense of the administration of justice, which has been estimated to amount to about 1*s.* 3*d.* or 1*s.* 4*d.* on the rental of houses in the city. He is privileged to hunt in *Middlesex*;

but a freeman cannot give evidence in a court of law in any case in which the corporation is a party.

The extension of the parliamentary franchise to the occupiers of ten pound houses has caused a great diminution in the demand for the freedom of the city, which is now not more than one-fourth of what it was before the passing of the Reform Bill.*

NON-FREEMEN.

If a foreigner or stranger, not being a freeman of London, shall keep any shop within the city or liberty for the sale of any goods or wares *by retail*, he shall forfeit 5*l.* for every day; and an action of debt lie against him for the penalty in the lord mayor's court in the name of the chamberlain of London. *Ord. Com. Coun.* 1605.

No person shall exercise any *manual* occupation or handicraft in the city or liberties unless he is free of the city, or an apprentice with some that be free; and if any freeman employ a foreigner he shall forfeit 5*l.* daily. But feltmakers, carders, spinners, knitters, and brewers are excepted; and the governors of Bridewell, &c. may employ foreigners. *Priv. of Lond.* 59.

A merchant or any other person may sell *in gross*, as a pipe of wine or piece of cloth, but they cannot sell by the gallon or yard, which is retailing. But the keeping of a shop and exercising *a mystery* by a stranger is held not to be against the custom, it is the dealing in articles that makes the offence. *Jacob's City Priv.* 86.

Merchants giving characters of strangers to those who sell their goods are liable to the debts of such strangers for the goods sold. *Lex Mercatoria*, 69.

In the language of the city courts all non-freemen are styled foreigners or strangers.

Remarks.—That a retailer should be liable to the burdens of citizenship and a wholesale dealer be exempt has long formed a ground of complaint. The injustice appears to have origi-

* Evidence of Mr. Woodthorpe, the town-clerk, Municipal Corporation Inquiry, London, Jan. 2, 1834.

riated in the altered usages of trade. By wholesale dealers, or merchant strangers, were originally meant *temporary sojourners*, who were encouraged to come with goods to the city for the benefit of the market; as such they were not allowed to keep houses, but were required to lodge and board with the citizens; if they continued residents beyond a year and a day they were compelled to take up their freedom. Formerly an officer existed called "foreign taker," whose duty it was to seize all goods sold by a *forèigner* or non-freeman to another non-freeman, except those who had licenses as wholesale dealers and temporary sojourners, and the traffic of these was restricted to freemen. The office of foreign taker was abolished by the corporation in 1774. In the opinion of Mr. Woodthorpe (*Corporation Inquiry, Jan.* 6), a banker resident in the city might be compelled to take up his freedom. His office being in strictness a banker's shop.

Freedom to exercise Trades.—To be a retail dealer it has been explained a man must be free of the general corporation of the city, but to exercise any trade or mystery in the city, he must take up his freedom in one of the incorporated trades of London. Thus to be a poulterer a man must be free of the Poulterers' Company, or if he deal in bacon of the Butchers' Company. Sir Joshua Reynolds having exercised his admirable skill in painting some pictures in the city was obliged to take up his freedom in the company of "Painters and Stainers."

A freeman of the City Companies may be also compelled to take up his *livery* therein. But an act of the lord mayor and aldermen in 1697, exempted all persons belonging to the twelve great companies from taking up their liveries if they could show they were not worth 1000*l.*, and the freemen of all the other companies from the same obligation if they could show they were not worth 500*l.*

The fees of admission vary in different companies and at different times in the same companies. The admission fees into the Merchant-tailors' Company now amount to 125*l.* Into some companies a man could not get if he were to pay 1000*l.*

APPRENTICES.

An apprentice bound to a freeman of London ought to be full fourteen years of age, and his indenture must not be for a less term than seven years. If an apprentice be bound for eight, nine, or ten years, and enrolled, he shall be compelled to serve the full term, and cannot be discharged from his master after seven years' service unless for a reasonable cause.

A freeman's widow may take a *maid apprentice* for seven years, and enrol her in like manner as a youth, if she be above fourteen years of age.

Apprentices that are bound by indenture above the age of 14, and under 21, to freemen, for the full term of seven years, are compellable to serve the full term, and an action will lie against the apprentice for breach of any of the covenants. But if the apprentice be under the age of 14, at the time of binding, his indenture is not good. And every master is to enrol his apprentice within the first year of the term before the chamberlain of London, or the apprentice may sue out his indenture and be discharged from his master's service.

If an apprentice refuse to be enrolled and to be present in court to do it within the first year of his term, the master may within that time bring his indenture to the chamberlain who will record the same, which record is as good as an enrolment, and bars the apprentice from discharging himself.

Although an apprentice be enrolled he may be discharged from his master in case the master shall beat him unreasonably, refuse to find him necessaries, or neglect to instruct him. And so a master may discharge an apprentice who is a thief or a gamester, notwithstanding enrolment.

Whether an apprentice be enrolled or not and the master turns him away, he may bring an action upon the covenants in his indenture and recover damages. *Lex Londin.* 43.

If a master misuse his apprentice the chamberlain may send a summons to the master to appear before him; and upon hearing both parties, will relieve the apprentice or leave him to take his remedy against the master in the mayor's court. Upon com-

plaint made for any egregious fault the chamberlain may send the apprentice to Bridewell, or otherwise punish him according to the nature of the offence.

When an apprentice is by consent of his master to be turned over to another master of the same trade, it must be first done before the company where he was bound and then before the chamberlain, and not by any scrivener, or before the company only, which imposes no obligation on the second master to keep such apprentice, or the apprentice to serve him who may sue out his indenture against his first master. But being turned over before the chamberlain the first master is discharged from him, the second obliged to keep him, and the apprentice to serve him the full term of his indenture.

If an apprentice omit to take up his freedom within convenient time after his apprenticeship is expired, the chamberlain may impose such fine upon the apprentice as he shall think fit for his neglect: And if any master shall refuse to make free his apprentice, having duly served his time, the chamberlain or court of aldermen will compel him to do it. *Green's Privil.* 206.

An apprentice taken at York, by a freeman of London, shall be a freeman of London, but not a citizen. *Moor*, 135.

If a freeman carrying on business in the city had an apprentice, and should leave the city, the apprentice would not be bound to go with him. *Woodthorpe, Corp. Inquiry, Jan.* 2, 1834.

CITIZENS.

Citizens are of three sorts: 1. Freemen of London; 2. Such as reside and keep a family in the city, but are not freemen; 3. Such as bear the offices of the city: but these last ought to be free of the city to be qualified to take office.

An alderman ought to be a citizen and inhabitant of the city; if he remove he ceases to be a citizen, and, although he be a freeman, he lacks the qualification of an alderman. 4 *Mod.* 36. He must also be an Englishman, or his father an Englishman.

Remarks.—Whether a candidate to represent the city could

sit in parliament unless he were a freeman at the time of his return is an undecided question. Upon the recent election of Mr. Crawford, the town-clerk was consulted, when, to obviate any objection on account of that gentleman being a non-freeman, Mr. Woodthorpe recommended that the freedom of the city should be conferred on Mr. Crawford by the court of aldermen. *Corp. Inquiry, Jan.* 6.

ATTACHMENT.

By the custom of London the money or goods of a defendant may be attached either in the plaintiff's own hands or in the hands of a *third person*, and this either in the mayor's or the sheriff's court.

So if any plaint be affirmed in London in these courts against any man, and he is returned *nihil*; if the plaintiff will suggest any other person within the city who is debtor to the defendant, he shall have process against him to appear and answer if he be indebted in the way alleged; and, if he does not deny it, then his debt shall be attached in his hands.

Debts upon record, statute, or recognizance; debt recovered, or which is in suit in the king's bench or common pleas after issue joined; or money in the hands of the sheriff by execution: these are not attachable. Neither does attachment lie for rent. 1 *Roll. Abr.* 552.

A legacy cannot be attached in the hands of an executor. But debt may be attached in the hands of an attorney of the king's bench, and he shall not be privileged; because, if such privilege were allowed, the defendant might put his estate into his attorney's hands, and the creditor would be barred of his remedy.

If a man be indebted to another by bill, note, or verbal agreement, in any sum payable at a time to come, an attachment may be made for the money *before the time agreed for payment*, and judgment be had; but execution cannot be awarded till the time agreed has expired. Goods or money coming to the third person's hands after the attachment, though it be six months after, is liable to the attachment. 1 *Roll. Abr.* 553.

Part of a debt may be attached by the custom of London.

Money due upon account after promise to pay it, and the day of payment past, may be attached; but no action may be afterwards maintained for breach of promise.

If a third person be condemned on attachment, and judgment is given, if no execution be sued against him, the plaintiff in the action may have judgment and execution against his principal debtor: and such debtor may sue the third person for his debt, notwithstanding the judgment. 1 *Roll.* 551; *Dy.* 322.

Attachment may be made of boxes or trunks locked, and it must be so returned by the sergeant upon the action; and the court the next day after the four court days past will grant judgment for opening them.

Attachment made upon jewels, either in a man's own hands, or in a third person's, ought to be so returned upon record.

Money or goods of any trading company may be attached, so as the debt demanded be on bond under their common seal.

An appearance of the party in court whose goods have been attached dissolves the attachment.

Remarks.—The law of attachment seems objectionable in its existing state: either it ought to be made more effective for its purpose, or be abolished. Goods cannot be attached in the Thames, and ships and property in the docks are protected from attachment by private acts of parliament. By extending the power of attachment to the river it has been alleged an advantage would be conferred on the trade and commerce of London, since the practices of persons who obtain goods and put them on board ship to defraud their creditors might thereby be more successfully frustrated.

On the other hand Mr. A. Baring strongly objected to the custom of attachment.* Foreigners aware of the existence of the privilege hesitate to intrust their goods to citizens; it operates prejudicially at Amsterdam, Hamburg, and among the American merchants. The existence of the usage and the

* Municipal Corporation Inquiry, London, Feb. 6, 1834.

mode of proceeding thereon in the mayor's court are imperfectly known among the mercantile classes, and it is chiefly the less principled who benefit by its enforcement. In this way the law is sometimes called into action. A man has a claim on another, he transfers it to a citizen, who forthwith exercises the right of attachment.

Such appear the principal reasons for and against the power of attachment. One conclusion is manifest, namely, that if such a law really affords a salutary protection to creditors, it ought to be made general. There can be no reason one class of creditors only should have the benefit of it to the exclusion of the rest, nor that it should exist in London and not at Hull, Liverpool, or Newcastle.

DEBTS.

By charter of Hen. 3, for all debts and promises made in the city of London, pleas are to be there holden according to ancient custom.

In London action of debt may be maintained against executors on simple contract. So if a contract be made by a citizen to pay money to another citizen, and he who made the contract dies, his executors or administrators shall be charged therewith, as if it were upon a bond or other specialty. 8 *Co. Rep.* 126; 5 *Co.* 82.

If a debtor be a fugitive he may be arrested by the custom, before the day, to find better security: which may be also done in other cases. *Hob.* 86.

It is a custom for one obligor that pays the whole debt to have the debt *pro rata* against his companion or co-obligor. 2 *Danv. Abr.* 310.

CHURCHWARDENS.

In London the parson and churchwardens are a corporation to purchase and demise lands. In other places churchwardens are a corporation to take care of the goods of the church, the property of which is in them; but they have nothing to do with the lands. *Coke's Rep.* 3.

DISFRANCHISEMENT.

By act of common-council, 18 Hen. 8, if any freeman take an apprentice, and within the term of seven years suffer him to go at large, or agree with his apprentice for a certain sum of money for his service, and within or after the term make oath before the chamberlain that he has fully served his time; or if any freeman take an apprentice who at the time is *married*, or gives any wages to his apprentice, or suffer him to take any part of his *own gains*; or if any freeman by deceitful means buys, sells, or receives any money, goods, or wares of an apprentice without consent of his master: on proof before the chamberlain and the same reported by him at a court holden by the lord mayor and aldermen and common-council, the said master and apprentice shall for ever be disfranchised.

A freeman speaking opprobrious words of an alderman may be fined, but not disfranchised. 1 *Ventr*. 327.

An apprentice marrying within his time, though set up, shall be disfranchised. And a master generally for any thing done contrary to his oath may be disfranchised. *Jacob's City Liberties*.

BUILDINGS.

By custom it is allowable to rebuild any house upon the old foundation where the ancient house stood, in height at the pleasure of the party, although by such rebuilding the lights of his neighbour be stopped up, unless there be some writing to the contrary. But it is not lawful to erect a new house upon a void piece of ground, whereby the old lights of an ancient house are stopped: if, however, there be hindrance only of the *prospect* by the new erection, not of the air nor of the light, then an action will not lie, since the prospect is merely a matter of pleasure, not of necessity.

It is allowable by custom to place ladders or poles upon the land and against the houses adjoining for repairing a man's own house, but not to *break ground*.

INNKEEPERS.

If one sets a horse at livery to an innkeeper, and the horse remain there till the provender amount to the value of the horse, the innkeeper may call to him four of his neighbours and appraise the horse and the provender; and if it appear the provender amounts to the value of the horse, the innkeeper may detain the horse as his own.

And if one bring a horse to an inn, and leave him there, and the horse eats up more than his price, the innkeeper, after appraisement, may sell the horse to pay himself. But if one bring several horses to an inn, and afterwards takes them all away but one, the innkeeper cannot sell this horse for payment of the debt for the others, but every horse is to be sold to satisfy what is due for his own food. 1 *Bulstr*, 207, 217.

An innkeeper may detain the horse for its food, and have also action on the case for it at the same time. *Moor*, 87.

MARKETS.

No market can be held out of the city within seven miles of London: and for regulating public markets by acts of the common-council, the following rules and orders have been made:

All butchers, poulterers, victuallers, and others that keep *no shops* within the city and liberties, or within two miles of the liberties, may have standing and stalls in the markets of the city: namely in *Leadenhall-market*, *Milk-street-market*, *Newgate-market*, &c., and there sell beef, mutton, veal, lamb, pork, and other provisions on four days of the week, so long as they furnish their stalls with wholesome flesh, and in their *own right*. A market bell shall be rung twice a day in the several markets of the city for their setting and rising; and butchers, &c., selling before or after ringing of the bell are to forfeit 10*s*. for every offence. Selling on other days not appointed for the market incur a penalty of 20*s*. *Lex Londin*. 142, 144.

No stall or standing in the markets shall be let to any butcher or poulterer who keeps shop within the city or liberties, and no

butcher, poulterer, &c., shall have more than two stalls in one market. Country people that sell herbs, fruit, eggs, butter, &c., may stand and sell in the markets on every day in the week except Sunday.

Butchers, poulterers, &c., who buy to sell again, shall not enter the market to buy provisions until the afternoon, on pain of 40*s.*: this is ordained that housekeepers may provide themselves in the morning at first hand.

Forestalling, regrating, and engrossing is each made liable to a penalty of 40*s.*

The committee for letting city lands are to appoint overseers of the markets, collectors, receivers, &c., who are to account weekly; and the committee has power to redress grievances.

By 22 & 23 *Car.* 2, c. 19, foreigners as well as freemen may buy and sell cattle in Smithfield-market.

If any fat cattle brought into Smithfield-market shall be brought again into the said market to be sold alive, they shall be seized by the bailiff, toll-keeper, or other officer of the market, to the use of the lord mayor, aldermen, &c. *Jacob's City Privileges*, 103.

By 10 & 11 Wm. 3, c. 24, *Billingsgate-market* shall be kept every day, except Sunday, for all sorts of fish: and any person may buy or sell any sort of fish in the said market. But see the statutory regulations of this market, p. 178.

MARKETS OVERT.

Every shop is a market overt in London for those things which are used to be sold and bought in the shop, and not for other things. 5 *Rep.* 85.

Therefore selling stolen plate in a scrivener's shop does not change the property, but the owner may have a writ of restitution. So the sale of goods in an inner room of a shop, behind a curtain, or where the shop windows are shut, is no valid sale. Sale of horses in Cheapside does not change the property, nor of clothes in Smithfield, which is not a market overt for clothes, but for horses and cattle. *Priv. Londin.* 204.

By custom of the city if any person make and expose to

sale ill and unserviceable goods, the chief officer of the company may seize and carry them to Guildhall, where a jury shall be empanelled, and, if they find the goods ill made, they may be destroyed. *Skinner's Rep.* 55, 56.

HARLOTS.

If any vintner, victualler, or alehouse-keeper permit harlots to resort and come into their houses to eat or drink, or abide there, they shall be liable to imprisonment, and also the harlots. *Jacob's City Privil.* 92.

If a chaplain keeps a woman in his chamber suspiciously, a man with the beadle of the ward may enter his chamber to search. 1 *Rol. Abr.* 557.

FEME SOLE MERCHANT.

It is a custom of London that the wife of a freeman, or a woman who is free in her own right, and whose husband may not be a freeman, can carry on business in her own name, and on her own account, without rendering her husband liable for her debts in her character of a *feme sole trader*. In action, however, against her, the form of action would join the name of the husband. And the action must be laid in the city, and not elsewhere.

It has been adjudged if the husband be beyond seas, or become bankrupt, or leave off his trade, and his wife exercise the same trade, or if they both exercise the same trade distinctly by themselves, the wife is a feme sole merchant. 1 *Cro.* 67.

A woman hiring a shop as feme sole is liable for the rent, and may be impleaded or imprisoned for the same: also the bail is liable, if she be absent, and the husband is not to be charged. *Priv. Lond.*

Remarks.—The privilege of a *feme sole* has often been litigated in the superior courts, but always confirmed. Many women carry on business in the city as "sole traders." Mr. Woodthorpe mentioned a case (*Corp. Inquiry, Jan.* 17) in which the husband acted as clerk or book-keeper to his wife.

By marrying a non-freeman a woman does not lose her freedom. This was tried in the case of Mrs. Goodall, who was a

widow before her marriage with Mr. Goodall. She was at that time proprietor of *Steel's Naval List.* Mr. Goodall was a non-freeman. Soon after the marriage a question arose respecting the right of property in *Steel's List.* It was argued at Westminster, and the right of the wife, in virtue of her privilege as a free woman, recognised.

LIMITS OF THE PORT OF LONDON.

The importance of the port of London, in regard to the customs, has caused its limits to be settled by the court of exchequer. An imaginary line drawn from the North Foreland, in Kent, to an opposite point called the Nase, in Essex, is the limit of the port towards the sea; and this line continued up the Thames, and the several channels falling into it, to London-bridge, is the boundary westward, saving the known rights of Sandwich and Ipswich and their dependencies within the counties of Kent or Essex.

LAW SUITS.

No freeman shall sue another freeman out of the city for any thing done within the city, where he may have his remedy before the mayor and sheriffs. *Green's Privil.* 1. And by an order of common-council, 32 Hen. 6, if a freeman sue any freeman out of the liberties against whom he may have justice within, and such suitor be required by the lord mayor to relinquish his suit, and he refuse, then he shall lose his freedom, satisfy the party sued his costs and damages, and pay a fine to the chamber for contempt.

Action of debt in London may be maintained on a *bare promise* to pay money; and debt upon simple contract is equal to an obligation. 8 *Rep.* 126.

In London a writ of covenant may be maintained without specialty.

TOLLS.

The citizens of London are toll-free throughout England, by the charters of several kings. And if any citizen apply to the lord mayor he will grant a certificate to such citizen which will

discharge him from paying toll in remote parts that he trades to. *Green's Privil.* 170.*

SWORN BROKERS.

These are admitted on petition to the lord mayor and court of aldermen, backed by a certificate of fitness signed by eight or twelve merchants or traders, some of whom must be of the trade or business in which the applicant seeks to be admitted as broker. On coming before the court, if no objection is made, bonds are given, one of 1000*l.* by the applicant, and two sureties in 250*l.* each, for a due observance of the conditions annexed to the office. There is another surety (who may be one of the two former) in 50*l.* for the payment of 5*l.* a year to the city as broker's rent. The main conditions of the bond signed by the broker are that he shall not deal for himself in articles in which he is a broker; that he shall give up the name of his principal when required; and that he shall inform of persons acting as brokers without license.

Sworn brokers are required to be freemen of the city. But by the rules of the corporation twelve foreigners are admitted to act as brokers for the lord mayor. These are termed *Jew brokers* in the list, from the circumstance that the offices have mostly fallen into the hands of Jews, though there is no usage excluding Germans, Italians, or any other nation. Instances have been mentioned of 1300*l.* or 1000*l.* having been paid as a perquisite to the lord mayor for admission as Jew broker.†

Remarks.—Bankruptcy, insolvency, or a composition with creditors, would disqualify a sworn broker, but there are few instances of the court of aldermen interfering with the corporation brokers so long as they pay their rent. In one respect the

* That is, a citizen is exempt from corporation tolls. In 1777 judgment was given in favour of the city of London in an action against the corporation of Exeter for exacting town dues of a freeman of London.—*Universal Mag. July*, 1777.

† Municipal Corporation Inquiry, London, Jan. 31. But this was prior to the alteration in 1830 of the freeman's oath, by which an attestation of Christianity is dispensed with.

remissness of the court is complained of by their own brokers; they levy upon them an aggregate rent of about 4000*l.* a year, and take no pains to protect them against the acts of persons who exercise the calling of brokers without being licensed. On the other hand the conditions of the broker's bond are such as to be incompatible with the pursuits of at least one class of middlemen. A produce-broker may generally perhaps discover his principal without detriment and restrict himself to mere agency; but it would be impossible for a stock-broker so to carry on his business. Many persons sell stock who for obvious reasons are desirous it should not be known they do so; and it is the invariable practice on the Exchange not to give the names of principals in stock bargains. This, too, in *bonâ fide* sales and purchases: there is great difference between stock-brokers and stock-jobbers; the latter buy with the view of selling again on their own account; the dealings of the former are chiefly on the account of others.

The lax jurisdiction of the Corporation sometimes inflicts injury on innocent persons. Their pretended guarantees lull suspicion and induce a misplaced confidence. *Caveat emptor*, the ordinary protection in dealing, as regards sworn brokers, is often lost sight of in a reliance on the fancied security of brokers' bonds and corporate vigilance. Thus practices are indulged in under shelter of a *silver badge*, which would hardly be feasible without its consecrative sanction. Either, therefore, the surveillance of the corporation should be abolished, or made a more effective protection not only against the misdoings of their own servants, but against the piratical intrusion of the unlicensed interloper.

For the statutory penalties on *Brokers*, see p. 56.

WORDS AGAINST WOMEN.

It is a custom of London to maintain an action for scandal that is not actionable in the courts at Westminster.

To call a woman a *whore* is actionable by custom of London, but not in the courts at Westminster; and the reason of it is, that by the laws of the city a whore is to suffer corporal punish-

ment by carting and whipping: which offence is presentable by the wardmote and there punishable. 3 *Cro.* 486; 2 *Danv. Abr.* 310.

WIDOWS.

A freeman's widow may require her widow's chamber furnished, besides the third part of his personal estate. *Green's Privil.* 51.

LANDLORD AND TENANT.

Every tenant shall give half-yearly warning to the landlord of his leaving the premises, and the landlord to the tenant.

If a tenant commit felony whereby his chattels are forfeited; or if he be an outlaw, whereupon his goods be seized; the landlord shall be paid his rent for two years (before all other debts but to the king) out of the goods found in the house. *Priv. Lond.* 75.

SEQUESTRATION.

If a citizen of London owe money to another and abscond, leaving goods in a house locked up, in such case the creditor may sequester the house and goods, and in six days' time condemn them.

In making a sequestration an action of debt must be entered in the mayor's court; and then one of the officers must proceed to the house and sequester it in due form; putting a padlock upon the door and a seal on the key-hole. After four court-days the officer will receive a precept to open the house, and cause the goods to be inventoried and appraised by two freemen, who are to make oath of the fairness of their valuation. At the next court the plaintiff may have judgment and execution for the goods. But he is to give security that if the defendant come into court in a *year and a day*, and disprove the debt, he will restore the goods or the value. *Lex Londin.* 39, 40.

PORTIONS.

If any man or woman child, shall do or attempt any bodily harm to their parents; or marry under the age of 21, without

the consent of the father or mother in their lifetime ; or if any man child shall be a thief, felon, common whore-hunter, or gamester; or any woman child commit whoredom, or be a common picker : then they shall be barred to have and demand any portion by the custom of the city ; unless the parents shall devise the same to them by will.

This is a curious law, and is by an act of common-council, 5 Edw. 6, called *Judd's Law*, but of course it his fallen into disuse.

SALE OF LANDS.

It is a custom of London to bargain and sell lands *by parol*, or word of mouth. 4 *Inst.* 675. And by this custom lands will pass by bargain and sale without enrolment according to 27 Hen. 8, c. 16.

ACTION FOR BETTER SECURITY.

This is a proceeding distinct from that explained by attachment, and may be instituted and maintained where the action maintaining an attachment would fail.

Effectually to ground an attachment the debt must be due, whereas the very reason and essence of the other, is that the debt is *not due*. As soon, therefore, as a creditor has received creditable information that the person who owes him a debt contracted within the city, and payable at a future time, intends to abscond before the day of payment, he should forthwith enter his action for *better security*. For this purpose he must procure four freemen of the city to go with him to the mayor's court office, and join with him in an affidavit to the effect, that they "verily believe that the said A. B. is unable to pay his debt, and that shortly, and before the said bond becomes due, intends to withdraw himself and his effects out of London, and to *become fugitive*," whereby, unless further security be taken, the said debt will be lost, &c.

The words to *become fugitive*, seem to signify that the debtor intends to return to London no more. It has been said that it signifies his intention of withdrawing himself to *foreign*

countries: but if it be considered that all places out of the jurisdiction of the city, are in the language of the custom styled *foreign*, the former may be concluded to be the genuine signification. *Ashley on Attachment*, second edition, 124.

PRIVILEGED LABOURERS.

The ancient charters and acts of common-council, have placed under the control of the city, certain classes of labourers who by appointment of the city possess exclusive privileges, so far as relate to the metage of coals,* corn, fruit, salt, &c.; also as to the unshipment of goods, their conveyance on shore, and porterage through the town.

1. THE FELLOWSHIP OF PORTERS.

This fellowship was established by an act of the common council in 1519, in virtue of the privilege of porterage belonging to the corporation. The rights of the fellowship extend over all measurable goods arriving in the port of London, between Yantlet Creek and Staines. On admission the porters give bond and sureties for their good behavour. The fees are 5*l*. They must be freemen, and are admitted by the governor of the fellowship who is the alderman of Billingsgate ward. Their right is limited to land or tranship; and the fellowship guarantees the safe delivery of the goods they are employed to convey into the warehouses of merchants.

The fellowship is limited to 3000, and now amounts to about 2800 or 2900. The men are obliged to go to a job whether great or small, and if the fellowship be not numerous enough to do all the work there is to be done, the city is liable to a fine. In 1829 there was so great an importation of corn, that 100 porters were made in one day, to meet the demand for men.

Remarks.—Some merchants complain of being compelled to

* The metage of coals was abolished in 1831, by 1 & 2 Wm. 4, c. 16; and the orphan and other local dues payable to the corporation, were commuted for the term of seven years, by the payment of 18*d*. per ton on coals imported.

hire fellowship porters, but the general opinion of the mercantile classes is favourable to the institution, as one of the best conducted monopolies in the city. Its chief advantages are the securities it affords for the prompt and safe delivery of goods at a uniform rate, throughout the port of London. Its chief drawback, the charges imposed by the immunities of the corporation on the unshipment of goods; those levied on corn only, entering the port, amounting to 12,000*l.* a year in the shape of metage, and which passes into the chamber of the city.

II. THE TACKLE-HOUSE AND TICKET PORTERS.

The tackle-house porters are also regulated by the city of London. They are privileged to unship, land, carry, and warehouse goods of the South Sea, and East India companies, and all other goods (except from the East country) the produce of the British plantations and of Ireland, and brought coastwise. They give bond to make restitution in case of loss or damage, and are limited to the rates settled by the city. In performing the labours of the port, if ticket porters are not at hand, they may employ any others that offer.

The *ticket* porters are subordinate to the tackle-house porters, and appointed by the city. They are privileged to unship, land, and warehouse pitch, tar, fir, flax, and other products of the Baltic; also all goods the produce of Ireland and the colonies, and coastwise (except lead). They give security for fidelity, and have their names and number on a metal badge. The tackle porters take the water-side work; and the ticket porters the up-town work.

Remarks.—The ticket porters claim the sole privilege of carrying parcels and burdens in the city. A parcel carried *for hire* however small, would be deemed an infringement of their rights. But the innkeepers dispute this, and claim the right to employ their own porters in unloading waggons, and delivering goods consigned to them. In proof of the non-existence of the right, they produce the following opinions on a case laid before Baron Bolland and Newman Knowlys, Esq.

"I am of opinion this action cannot be maintained against the weekly servant of an innholder for performing the labours specified in the above case, as I do not think the ticket porters have the *exclusive privilege of doing all the porterage work* of London. The business of a ticket porter appears to me, from the acts of common-council, to be confined to the loading and unloading vessels resorting to the port of London from particular countries, and not to extend to goods brought *into and carried from the interior of the city by the various waggons, coaches, and carts that daily arrive and depart* from London. This limitation of their privileges is clearly to be collected from the tables of the rates which they are authorized to demand.

"WILLIAM BOLLAND."

"Upon inspecting the several charters of the city of London, and the acts of common-council made to enforce the right of porterage, I do not conceive that the defendant is liable to the present action, as performing the *feat of a ticket* or street porter. "NEWMAN KNOWLYS."

The decisions of the Mayor's Court appear to have been in favour of the ticket porter's monopoly. The number of the society is about 500.

III. FELLOWSHIP OF CARMEN.

The carts belonging to this fellowship have the exclusive privilege of acting *for hire* in the city, and bear the city arms. They are also compellable to do the cartage business of the port of London when called upon, and are responsible for the safety of their load, and the conduct of their servants. They pay annually 17*s*. 4*d*. to Christ's Hospital for a license, and 23*s*. 6*d*. for every transfer, which used to be sold for about 100*l*.

A toll of 2*d*. is levied on non-freemen's carts entering the city, and 1*d*. for freemen's carts having alien's goods in them. The tolls are leased for 3500*l*. a year.

PACKAGE, SCAVAGE, &c.

The privilege of the *package* of cloth, and certain other outward-bound goods of foreign merchants, denizens, and aliens; of *scavage* (showing or surveying) of certain goods imported by

foreign merchants &c.; of *balliage* or delivery of goods to be exported, and of the *portage* of tin and other articles imported or exported by foreigners to and from their warehouses: all these are confirmed to the city by charter of Charles I., and certain rates and duties are appointed by a schedule to the charter to be paid accordingly, on consideration of which the city to pay yearly to the king 3*l*. 6*s*. 8*d*.

Remark.—The city dues and offices of package, scavage, balliage, and portage, are abolished by 3 & 4 Wm. 4, c. 66, in consideration of a sum of money payable by government, which the corporation is authorized to lay out in the purchase of land or ground rents.

PAINTERS AND PLASTERERS.

By 1 Jac. c. 20, no plasterer shall exercise the art of a painter in the city or suburbs; or lay any colour or painting whatever, unless he be a servant or apprentice to a painter, or have served a seven years' apprenticeship to that trade, under penalty of 5*l*. But plasterers may use whiting, blacking, or red ochre, mingled with size only and not with oil.

SURETIES.

It is a custom of London, that an action of debt lies against sureties without writing. 43 Edw. 3, c. 11.

BY-LAWS AND CUSTOMS.

By-laws in London may not be made to restrain trade, nor to infringe the liberty of the subject. A by-law was made that no merchant shall put cloth to be dressed, but to the cloth-workers of their company, and it was adjudged void. But the by-law whereby the number of carts is restrained, is a good by-law. 1 *Roll. Abr.* 364; 1 *Ventr.* 21.

If any custom of London be pleaded and denied, and issue is taken thereon, it shall be tried by a writ to the lord mayor and aldermen, to certify whether there be such a custom, who shall make certificate by the mouth of their recorder; and on praying to have a writ to certify it shall be awarded accordingly. *Cro. Car.* 516.

The courts at Westminster are bound to notice the customs of London: but if the custom be in another place on an original action, they are not bound to notice it unless alleged. 1 *Roll. Rep.* 106.

THE CITY SEAL.

The seal of the office of mayoralty of London, called the city seal, is as ancient as the corporation itself; that in use at present is as ancient as the days of Richard 2, and has been for centuries past affixed to deeds and other documents in order to their verification for use in parts abroad. But though documents so authenticated might be admitted by persons not averse to obey them, yet the seal did not operate to render them legal evidence in the colonial courts. To obviate this, and facilitate transactions between the colonies and mother country, an act of parliament was passed rendering all conveyances executed here of property in the East or West Indies, in British America, or other foreign dependencies of Great Britain, and all other documents to which the mayoralty seal is affixed, as effectual as if executed there, and attested by witnesses upon the spot.

The execution and authenticity of documents authenticated by the city seal must in all cases be verified by affidavit, sworn before the lord mayor, whereupon a certificate of that magistrate, vouching for the credibility of the deponent's testimony is procured from the mayor's court office, by application to one of the four attorneys there, though it is usual to take the documents to the office in the first instance, and the attorney employed will send a clerk with the deponent to the mansion-house to be sworn. The hours for this purpose are from twelve to two, but for a trifling fee the affidavit may be sworn at any time, if the lord mayor be in the city (for he cannot administer the oath out of it). After the affidavit is sworn, the certificate is annexed thereto, and to the documents thereby referred to, and taken to the mansion-house, where the seal is affixed; the whole may be completed in ten minutes.

The mayoralty seal is used also in the verification of docu-

ments of every description to be sent into countries having no dependance on Great Britain; but it is in such cases advisable to procure the counter signature of the consul, or other accredited agent from the state to which such documents are to be transmitted. This, however, is not a preliminary step to obtaining the seal which is procured upon the usual affidavit as before stated, and the signature of the public functionary may be obtained afterwards. *Ashley on Attachment*, 133.

EXECUTIONS.

After judgment in the courts of the city you may have execution forthwith against the body or goods of the defendant, and next against the bail: but if you take defendant in execution you cannot afterwards take his goods. If the goods seized and inventoried do not amount to the sum in the judgment, execution may be afterwards had against the defendant's body or his bail for the remainder.

The defendant may render his body in discharge of the bail taken in execution, or he may be delivered up. *Lex Londin.*

VICTUALLERS.

By 6 Rich. 2, c. 9, no victualler in London or any other city or borough shall exercise any judicial office there: and in case any be chosen to office, he shall forbear to use victualling during his office, on penalty to forfeit the victuals sold.

THE THAMES.

Several charters have granted to the lord mayor the conservancy of the river Thames, and there are various ancient ordinances relative to fish and fishermen on the river.

First, that no person shall cast any net between sunset and sunrise; that no fisherman shall still-lie or bend over any net during the time of flood, whereby salmon may be prevented ascending the river; that no fisherman shall use an eel-spear nor use any double-walled or hooped net to destroy the fry; that no fisherman use any mill-pots, with the heads against the

stream; that no fisherman shall rug for flounders between London-bridge and Westminster, and no flounder shall be taken under the size of six inches; that no fisherman or others use any angle with more than two hooks upon a line within the limits of London-bridge; that no peterman fish further westward than Richmond; that no fisherman have more than one boy in one boat, nor any fisherman take up any wreck without notice to the water-bailiff: and, lastly, all fishermen shall be registered under divers penalties and forfeitures. *Green's Privil.* 193; *Lex Londin.* 201.

These orders refer to fishing westward of London-bridge, and there are several relative to fishing eastward, as to the unlawful taking of smelts, whitings, shads, whales, porpoises, and sturgeons, and relative to taking fish out of season.

By an order of July 10, 1673, no person shall fish with a net under six inches in the mesh, on pain of 20*l.*; nor cast any soil, gravel, or rubbish into the Thames, whereby banks or shelves are raised, and the common passage hindered, nor drive any stakes or piles into the river, on pain of 10*l.*

WEIGHTS AND MEASURES.

By charter of Charles 1, four justices, of which the mayor or recorder must be one, may hold a session to inquire into offences in respect of weights and measures, to receive indictments and punish offenders: also the lord mayor may grant his warrant to persons to examine and try all weights and measures.

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